TRACTS

CONCERNING

PATRONAGE,

By ſome EMINENT HANDS.

WITH A

CANDID INQUIRY

INTO THE

Conſtitution of the Church of Scotland,

IN RELATION TO

The Settlement of Miniſters:

AND

Remarks upon a late pamphlet, entitled, *Obſervations on the Overture concerning Patronage*, in anſwer to the *Thoughts of a Layman concerning Patronage and Preſentations.*

Privilegia contra jus naturæ, vel utilitatem publicam, non magis ſunt privilegia, quam tyrannis eſt lex. CIC.

All they contend for is, that the preſent moſt excellent conſtitution of this church may be preſerved; and may be handed down to poſterity, as free and uncorrupted, and as ſound and vigorous, as they have received it from their anceſtors. *Preſ. to Reaſons of diſſent from a ſentence of the Commiſſion, by Dr Robertſon and others.*

EDINBURGH:

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PREFACE.

THE general importance of the queſtion concerning the method of ſettling churches, that, for ſome time paſt, has been agitated with ſo much ardour in this country, is a ſufficient apology for any attempt, the intention of which is to throw light upon it.

THE author found it his own duty to ſearch, with what care he could, into the real principles of this church in this matter; and to inquire how far they were controlled by our legal eſtabliſhment, and how far judicatories were yet left at liberty to act according to them; that in his own conduct he might be properly directed, when he happened to be called to judge in controverted ſettlements.

IN the courſe of this inquiry, ſeveral things occurred, to which, in his apprehenſion, not a few who ſit in our church courts had not adverted; but who have ſlightly taken up notions, propagated with much induſtry by the friends of patronage, which have unwarily led them, if not to ſupport, at leaſt to yield to meaſures, to which, if better acquainted with our whole conſtitution, they would have been averſe. It was the knowledge and perſuaſion of this ſtate of imperfect information with regard to our true conſtitution, of many among us, that led into ſo minute a recital of facts in the ſeveral paſt periods of our church; and which muſt ſtand as an apology for details, that in themſelves may be thought tedious, but which, in ſuch a ſtate, appeared to be neceſſary, in order to ſhew with more convincing evidence, that though it muſt be the ultimate wiſh

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of the real friends of the good old church of Scotland, that patronages were utterly aboliſhed; yet, even as things ſtand, in point of the power and privileges of church-judicatories, many evils complained of, might be prevented, by a proper and legal exertion of what we ourſelves are yet in fair and juſt poſſeſſion of.

INDEED the ſtudy requiſite to a thorough acquaintance with our conſtitution, is ſo much out of the line of reading, which at preſent is faſhionable among young miniſters, that it cannot ſurpriſe, that many of them are but indifferently informed as to the original and true policy of this church. Yet, upon trial, they would find, that as dipping a little into this ſubject is certainly becoming in them, ſo it is neither ſo void of amuſement nor advantage, as many are apt to apprehend it to be. The author knows certainly there are not a few that have not ſo much as given themſelves the trouble of reading even our books of diſcipline.

THOUGH, with determined party-men, the beſt arguments are experienced to be but feeble and impotent things, to induce them to abandon their ſettled ſyſtem, even though convinced; former prejudices, or want of courage, being apt unhappily to have too much influence to hold them to old courſes; yet, with many others not ſo far engaged, it is hoped, that a clear and candid opening of our privileges, may not be without a good effect to lead them to oppoſe meaſures, which they will find we are under no obligation, from either civil or eccleſiaſtical conſtitution, to purſue; and which at the ſame time, every eye may diſcern, are more and more attended with unhappy conſequences; unhappy to the uſefulneſs

and

and comfort of miniſters, and to the peace of the church.

THIS was the real object of the author in this publication. With what ſucceſs it is executed, others muſt judge. He was the more eaſily perſuaded to undertake it, that a performance was publiſhed, during the ſitting of laſt aſſembly, entitled, *Obſervations on the overture* (of the aſſembly 1768) *concerning patronage*, with *Remarks on the Thoughts of a Layman*, which had been put forth in ſupport of it. This performance, the author was well informed, had made a good deal of impreſſion in favour of patronage:—A circumſtance that at once convinced him of what he had before apprehended, that a true knowledge of our conſtitution did not abound, and that ſome reply ought to be made to a treatiſe, which, however ſpecious, yet contained in it principles very unfriendly to the conſtitution and the liberty of the church, which were ſupported by pretended authorities without truth, and in which, through its whole conſtruction, ſo much diſingenuity appeared; while moſt of the capital points of law in the church's favour, which it was plainly the Layman's chief object to eſtabliſh, are avoided, or receive no ſolid anſwer.

WHILE therefore, in the preſent publication, the liberty and privileges of the church are pleaded for, theſe *Obſervations on the overture* are kept in eye, as containing the real ſyſtem which is attempted to be carried on at preſent in favour of patronage, and the arguments by which its advocates uſually ſupport it; yet not ſo as to anſwer every particular in the *Obſervations* which the author thought cenſurable, or to vindicate every poſition advanced in the Layman's Thoughts. Conſideration is only given to either, as their ſenti-

ments fell in the way of his own plan.—For example, the Layman propoſes a new model for ſettling miniſters by delegates from patron, heritors, elders, and people, of which the *Obſervations* take notice. But this being only a private thought hazarded to the public by the Layman, (as any other man may bring forth others upon a point ſo intereſting as this), which never having been adopted in a public way, it was not conſidered as proper, either to vindicate or condemn it, in a tract concerning an eſtabliſhed conſtitution, whatever its intrinſic merit or demerit may be.

It was judged the faireſt and beſt method, in treating this ſubject, to do it upon a large plan, tracing every head belonging to it to its fountain, that ſo the whole might be ſeen in its true light, and a judgment formed upon the whole and every part of it, with the greater advantage.

Conscious, however, of the imperfection that might attend his own attempt, the author willingly embraced the opportunity of ſtrengthening his argument for what he hath a perfect conviction of in his own mind, "that patronage is every way "injurious to this church," by republiſhing a few tracts on this ſubject by gentlemen of unqueſtionable character and abilities; tracts too little known or attended to by the generality of thoſe concerned in this queſtion, but whoſe merit entitles them to perpetual regard upon it.

The firſt place was due to the Church's addreſs to government, upon information of an intention to bring into parliament, 10*mo Annæ*, a bill to reſtore patronages, authentically ſetting forth her principles and her rights upon this article.

THE *Account of lay-patronage*, &c. follows next, publiſhed at the above conjuncture, in order to ſupport the addreſs; more copiouſly ſhewing, in point of law, the church's title, by the revolution and union ſettlements, to be no more troubled with this bondage.

IN the parliamentary debates, this is ſaid to be written by a learned Scotch member, then known to be Sir David Dalrymple, who, in that evil time, ſtood by the church in ſupport of her privileges in parliament, and oppoſed the torrent raiſed againſt her by the houſe of Hanover's and her enemies from this country.

IN 1734 and 1735, applications of like import with the former were renewed to the legiſlature by the Aſſemblies of theſe years. But being chiefly promoted by ſuch as were ſuppoſed to be friends to popular calls, a party-cry was raiſed againſt the deſign, as if its intention was to favour them. This was too much hearkened to by the landed intereſt, who therefore gave no countenance to it.

THE late Dr Francis Hutcheſon of Glaſgow conſidered the matter in quite another light. Certainly knowing if ſuch had been the deſign of the application, by thoſe who puſhed it on, the parliament of Great Britain would lend no ear to it; ſo that of this there was no danger; and at the ſame time foreſeeing the miſerable conſequences that muſt enſue upon the continuance of patronage; in order to open the eyes of the landholders of Scotland upon a point ſo eſſential to the good of the church and the nation, the next tract, the *Conſiderations on patronage*, was publiſhed by him. Of this fact the publiſher was informed by the late Rev. Mr Patoun

toun at Renfrew, Dr Hutcheſon's boſom-friend, to whom he communicated his manuſcript, for reviſal, before publication; who alſo aſſured him, that, in the law-part of the pamphlet, the Doctor was aſſiſted by Mr Grant, late Lord Preſtongrange, then reſiding in his neighbourhood; and that the Doctor was ſo ſanguine in this cauſe, that, in order to create the greater attention, he at the ſame time publiſhed another pamphlet upon it, varying the argument, and putting it in another light, having ſome ſuch title as, *An addreſs to the landed intereſt*, &c. The publiſher remembers to have ſeen it; but though he hath taken ſome pains, has not been fortunate enough to recover a copy of it at preſent.

Last of all is added, the reſolution of the aſſembly 1736, upon the return of their commiſſioners from parliament, with the report of their want of ſucceſs, well known to be the draught of the late Lord P———t D——s.

These papers, being the work of ſuch capital hands, and executed in a manner ſo ſuitable to their characters and abilities, the publiſher is under no apprehenſion of incurring cenſure, for renewing the world's acquaintance with them, by this republication.

He deſires it may be obſerved concerning his own performance, that he offers no propoſal of his own in it, as fit to be purſued in our preſent ſituation, in order to better our circumſtances, from the legiſlature. This he leaves to perſons wiſer than himſelf, and who are better able to judge of means and ſeaſons. His object is to conſider things as they actually ſtand with us by conſtitution, and to excite to a ſteady exertion of thoſe

powers

powers that indiſputably yet remain with, and are veſted in us by law, which might go a great way to prevent, at leaſt, further evils, and bring matters to a temper, from which better things might be hoped. Errors there may be in what he hath written, as well as much imperfection. — But he knows he hath ſet down nothing with an intention to deceive; and miſtakes he will be ever ready, upon conviction, to acknowledge and correct.

THE *Free Thoughts*, &c. with which he hath concluded this collection, was the firſt treatiſe publiſhed by the late Dr Doddridge in 1730; and though not occaſioned by any thing relating to patronage in particular, yet, in another view, it hath no ſmall connection with ſome conſiderable grounds of our preſent differences, upon which the author of *Obſervations*, &c. lays ſo much ſtreſs; being a reply to a pamphlet making the like complaints againſt the body of Diſſenters in England, as having the ſame bad taſte in preaching, and therefore apt to chuſe the leaſt or worſt qualified miniſters, which is imputed to our congregations in Scotland. The Doctor hath made a reply very much upon the principles which the oppoſers of patronage with us adopt; and being executed in ſo proper a manner, it is added as an anſwer to a great deal ſaid upon that part of the ſubject by this author.

MR ORTON, in his Life of the Doctor, highly commends this performance, on ſeveral accounts;—mentions its favourable reception from different parties when publiſhed; — and wiſhes the world were better acquainted therewith.—It is pretty well known, that the author of the Inquiry to which it is an anſwer, in the latter part of his life, came to embrace the Doctor's way

of

of thinking. Experience had thoroughly convinced him, that the only effectual method of supporting any religious perſuaſion, was by religion in its miniſters. May it be hoped, that ſome with us, who at preſent ſpeak chiefly of other adornings to clergymen, ſhall in like manner alſo live to alter their ſentiments, in conſequence of greater experience? — Should this event take place, what happy effects might not be expected to follow it?— If the preſent publication ſhall in any meaſure promote that end, the author will think his labour ſufficiently repaid.

May 24. 1770.

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TRACTS

TRACTS

CONCERNING

PATRONAGE.

To the Most Honourable the Peers of *Great Britain* In Parliament assembled,

The humble REPRESENTATION *of* WILLIAM CARSTARES, THOMAS BLACKWELL, *and* ROBERT BAILIE, *ministers of the church of* SCOTLAND,

Offered by them in the name, and by the appointment of the commission of the late General Assembly of the aforesaid church, concerning the bill for restoring patronages now depending before your Lordships.

IT is with all humble duty and submission represented unto your Lordships, that this depending bill seems to be contrary to the present constitution of our church, so well secured by the late treaty of union, and solemnly ratified by the acts of parliament in both kingdoms. That this may be more clear, it is to

be obſerved, that from the firſt reformation from Popery, the church of Scotland hath always reckoned patronages a grievance and burden, as is declared by the firſt and ſecond books of diſcipline publiſhed ſoon after the ſaid reformation; ſince which time they were ſtill judged a grievance, till at length they came by law to be aboliſhed.

Theſe patronages having been reſtored with Epiſcopacy in the year 1661 and 1662, did continue to the year 1690, that Epiſcopacy was aboliſhed, and Preſbyterian government again eſtabliſhed: and though the act of parliament 1690, reſettling Preſbyterian church-government, was founded upon the act of parliament 1592, which bears a relation unto patronages; yet the ſaid act of parliament 1690, doth expreſsly except that part of the old act, and refer patronages, to be thereafter conſidered; which accordingly was conſidered in the ſame parliament 1690: whereby it is plain, that the abolition of patronages was made a part of our church-conſtitution, enacted by the act 1690; and that this act 1690, with all other acts relative thereto, being expreſsly ratified and for ever confirmed by the act for ſecuring the Proteſtant religion and Preſbyterian government, and ingroſſed as an eſſential condition of the ratifications of the treaty of union paſſed in the parliaments of both kingdoms; the ſaid act aboliſhing patronages muſt be underſtood to be a part of our Preſbyterian conſtitution, ſecured to us by the treaty of union for ever.

Yet it is to be particularly conſidered, that the ſame parliament 1690, was ſo tender of the civil rights of patrons, and ſo ſincerely deſirous only to reſtore the church to its juſt and primitive liberty of calling miniſters in a way agreeable to the word of God, that they only diſcharged the patrons power of preſenting miniſters to vacant churches; but as to any thing of their civil rights, did make the condition of patrons better than before, not only by reſerving unto them the right of diſpoſal of vacant ſtipends, for pious uſes, within the pariſh, but alſo giving unto them the heri-

table

table rights of the tithes, reſtricting the miniſter who formerly had the ſaid right to ſtipends much below the value of the ſaid tithes: notwithſtanding which advantageous conceſſion to the patrons by the parliament, this bill takes back from the church the power of preſentation of miniſters, without reſtoring the tithes which formerly belonged to her, by which the patrons come to enjoy both the purchaſe and the price.

This being then the true account of our legal ſettlement as to this matter, it appears to be evident, that the reſtitution of patronages, as to the point of preſentation, can only gratify a few; while, on the other hand, it muſt neceſſarily diſoblige a far greater number, that are now freed of that impoſition: and indeed it cannot but ſeem ſtrange, that this bill ſhould be ſo much inſiſted upon, when there are ſo many patrons, and thoſe too of the moſt conſiderable in Scotland, that are againſt ſuch a reſtitution.

It is alſo apparent, that preſbyteries muſt come under many difficulties and hardſhips, as to their compliance with this innovation; and that many conteſts, diſorders, and differences, will probably enſue betwixt patrons, preſbyters, heritors, and people, beſides the known abuſes wherewith patronages have been attended, even in their moſt ſettled condition; whereof many inſtances might be given, eſpecially that thereby a foundation was laid for ſimoniacal pactions betwixt patrons and thoſe preſented by them, and likewiſe miniſters were impoſed upon pariſhes by patrons who were utterly ſtrangers to their circumſtances, having neither property nor reſidence therein.

It is therefore with all ſubmiſſion expected from your Lordſhips juſtice and mature deliberation, That a bill, as we humbly conceive, ſo nearly affecting the late treaty of union in one of its moſt fundamental and eſſential articles, reſpecting the preſervation of the rights and privileges, which our church at that time was poſſeſſed of by law, for the ſecurity of which the parliament of Scotland was ſo much con-

cerned, as not to allow their commiſſioners to make it any part of their treaty, but reſerved it as a thing unalterable by any judicature deriving its conſtitution from the ſaid treaty, ſhall not be approved by your Lordſhips, eſpecially while the nature of the treaty it ſelf ſhews it to be a reciprocal tranſaction betwixt the two nations.

W. CARSTARES.

THO. BLACKWELL.

RO. BAILIE.

An

An account of *Lay-Patronages* in *Scotland*, and of the fatal differences they have occaſioned betwixt the *church* and *lay-patrons*; with obſervations on the arguments for reſtoring them.

LAY-Patronages are ſo far from being the ancient conſtitution of Scotland, that there is ſcarce a country in Chriſtendom where ever they had ſo little footing; ſo that if our Scotch patrons were put to juſtify their title by the old maxim of the canoniſts,

Patronum faciunt dos, ædificatio, fundus,

they would make but a very indifferent plea of it: for nothing is plainer in our law, than that the tithes were the patrimony of our church, as appears by act 10. parl. 1. James VI. held in 1567, and by many other acts. It is likewiſe known to every one, that tithes were ſettled by the legiſlature; and that ſuch endowments as have at any time been made from the rents of the crown, required the conſent of parliament to make them good, ſince our princes could alienate nothing belonging to the crown without their conſent. And as to the Pope's Canon law, from whence patronages proceeded, it never obtained ſo far in Scotland as to be much regarded. This is evident from many of our laws, which forbid our being governed by any other, and from the pragmatical ſanctions betwixt the popes and the kings of Scotland, who were always as inflexible in this matter, if not more, than the kings of France.

But be that how it will, when the Pope's authority was abrogated in Scotland, by act of parliament, in 1560, all juriſdiction derived from him fell with it, and his Canon law among the reſt, except what part of it we retained for its own equity, and its agreeableneſs to our conſtitution, which was followed in commiſſars courts, *&c.*

Accordingly the church of Scotland, from the begin-

ning of the reformation, declared againſt lay-patronage and preſentations. This appears from the firſt book of diſcipline, drawn up by order of the government, and agreed to in the privy council, January 17. 1560, where, in the fourth head, *Concerning the lawful election of miniſters*, the power of election is lodged in the pariſhioners; and in caſe they delayed it forty days the preſentation was to be in the ſuperintendant and his council, *viz.* the miniſters and elders of his province.

In the firſt general aſſembly of the reformed church of Scotland, held the 20th of December 1560, about four months after the Pope's authority was aboliſhed, it was enacted, the 27th of the ſaid month, That the election of miniſters ſhould be in the public church by the people, and that notice ſhould be given of it the Sunday preceding. It was the ſame as to the election of ſuperintendants, as may be ſeen by the form of it prefixed to our old pſalm-books, and in the firſt book of diſcipline, under the head, *Of the election of ſuperintendants*: and the church required, that the miniſters, the poor, and the ſchools, ſhould be provided for out of the tithes, which were the patrimony of the kirk, as appears by the 6th head of the firſt book of diſcipline, under the title, *Of the rents and patrimony of the church*.

In the 3d ſeſſion of the 4th general aſſembly held at Edinburgh, it was enacted, Dec. 27. 1562, That the preſentation of miniſters ſhould be in the people. Thus matters were ſtated at Queen Mary's arrival from France, Aug. 19. 1561; and, the 25th of that month, her Majeſty declared by proclamation, That no body, on pain of death, ſhould attempt privately or publicly to make any *alteration or innovation in the ſtate of religion*, which ſhe found publicly and univerſally ſtanding at her arrival; and ſhe promiſed not to attempt any thing againſt it herſelf, but to ſettle all things with the conſent of the ſtates. This promiſe was kept no otherwiſe than as Popiſh princes uſe to do with their Proteſtant ſubjects; ſo that ſhe and her courtiers were unwilling to part with the patronages and patrimony of the church, which they had poſſeſſed themſelves of on the abrogation of Popery: inſomuch that the poor miniſters

niſters had little elſe to maintain them but the benevolence of their hearers; and with much ado, after many petitions, they obtained a third of the tithes, which was but indifferently paid, ſo little dependence had they on lay-patrons.

The church being under theſe preſſures, ſhe was willing to comply as far as ſhe could in conſcience, in order to obtain what farther reformation was wanting, and a redreſs of her grievances. Therefore ſhe agreed, in the aſſembly of 1565, that her Majeſty, or any other patron, might preſent to vacant benefices, but on condition that they preſented qualified perſons, and ſubjected them to the examination of the kirk, *who had the right of collation to the cure, if the patron had the preſentation to the benefice*; otherwiſe, ſay they, the patrons might obtrude ſuch perſons as they pleaſed upon them. And thus, as they complain in the 6th head of the firſt book of diſcipline, *the Papiſtical tyranny ſhould be only changed into that of the lord and laird*; therefore they required that the kirk might be reſtored to her liberty, that ſhe had been cruelly ſpoiled of by the Papiſts.

In the 2d book of diſcipline agreed on by the general aſſembly of 1578, regiſtered by that of 1581, and ordered to be ſubſcribed by all miniſters, they declare themſelves, chap. 12. thus:

"The liberty of the election of perſons called to "eccleſiaſtical functions, and obſerved without inter- "ruption ſo long as the kirk was not corrupted by An- "tichriſt, we deſire to be reſtored and retained within "this realm; ſo that none be intruded upon any con- "gregation, either by the prince, or any inferior per- "ſon, without lawful election, and the aſſent of the "people over whom the perſon is placed, as the prac- "tice of the apoſtolical and primitive kirk, and good "order, craves. And becauſe this order, which God's "word craves, cannot ſtand with patronages and pre- "ſentations to benefices uſed in the Pope's kirk; we "deſire all them that truly fear God, earneſtly to con- "ſider, that foraſmuch as the names of patronages "and benefices, together with the effects thereof, have "*flowed from the Pope and the corruption of the Canon*

"*law*

" *law only*, in ſo far as thereby any perſon was intru-
" ded or placed over kirks having *curam animarum*:
" and foraſmuch as that manner of proceeding hath no
" ground in the word of God, but is contrary to the
" ſame, and to the ſaid liberty of election, they ought
" not now to have place in this light of reformation.
" But as to thoſe patronages that have not *curam ani-*
" *marum*, as chaplainries, prebendaries, &c. founded
" upon temporal lands, annuals, and ſuch like, they
" may be reſerved to the ancient patrons to diſpoſe of
" to ſcholars and burſars, according to act of parlia-
" ment."

This was the ſenſe of our church at the reformation. We come next to ſhew how the matter ſtood in law. The courtiers, though unwilling to part with the patronages, agreed, however, that the power of patrons ſhould be reſtrained. Thus, by the 7th act of the firſt parliament of King James VI. held *anno* 1567, it was enacted, *That the examination and admiſſion of miniſters be only in the power of the kirk*, and that the patron preſent a qualified perſon within ſix months (after the deceaſe of the former incumbent comes to his knowledge) to the ſuperintendant or others, having the commiſſion of the kirk; otherwiſe the kirk to have power to diſpoſe of the ſame to a qualified perſon. The qualifications required were, that he ſhould agree with the church in doctrine, and the adminiſtration of the ſacraments, according to the confeſſion of faith, as appears by act 6. parl. 1. James VI. The act 46. parliament 3. of that ſame prince, enjoins, That the miniſter ſhould be under the diſcipline of the kirk, partake with her in the ſacraments, and ſubſcribe the articles of religion, and give his oath for acknowledging the King and his authority. And by parliament 6. act 68. James VI. they who refuſe to communicate in the ſacraments, as adminiſtered in the kirk, according to the confeſſion of faith, or contradict the ſaid confeſſion, are declared to be no members of the kirk, ſo long as they do ſo. And by the 69th act of that ſame parliament it is declared, *That there be no other juriſdiction eccleſiaſtic acknowledged within this realm, than that which is, and ſhall be within the ſame kirk, or that flows therefrom.*

It

It is here likewiſe proper to obſerve, that, by the above-mentioned act of 1567, in caſe of a failure, by the ſuperintendant or commiſſioner of the kirk, to admit a qualified perſon, preſented by the patron, there lay an appeal to the ſuperintendant and miniſters of the province; and if they refuſed to admit the qualified perſon, an appeal was to be made to the general aſſembly, whoſe determination was to be deciſive.

But, notwithſtanding this reſtriction on patrons, many abuſes reſulted from the patronages by contracts betwixt the patrons and ſome miniſters, who were guilty of dilapidating the rents of the benefices (without regard how their ſucceſſors ſhould live after them) for the ſake of preſent profit. And by the ſame method, benefices were conferred upon unqualified perſons, both by the King and other lay-patrons; againſt which a remedy was provided by the 101ſt and 102d acts of King James VI.'s 7th parliament, which met October 24. 1581.

A further remedy was provided by the 116th act of his 12th parliament, which met June 5. 1592, by which the collation and deprivation of miniſters was lodged in the church, *as a privilege granted by God to her ſpiritual office-bearers*, wherein her general aſſemblies were alſo ratified and approved, with all her privileges, liberties, immunities, and freedoms, given and granted by his Highneſs, his regents in his name, or any of his predeceſſors, to the true and holy kirk, preſently eſtabliſhed within this realm; and among other privileges, all preſentations to benefices were to be directed to the preſbyteries, with a full power of collation. And by the 117th act, the church had a power of preſenting *jure devoluto*, if the patron did not preſent a qualified perſon after a vacancy of ſix months. But a reſerve being made in the 116th act, that they ſhould receive and admit any qualified perſon preſented by his Majeſty, or lay-patrons, the abuſe continued, and miniſters were deprived of their benefices by ſeveral patrons; to prevent which, the 169th act of King James VI.'s 13th parliament was made.

Notwithſtanding all theſe proviſions againſt the abuſes of patronages, the general aſſembly of 1596, finding

finding that by those presentations many persons were forcibly thrust into the ministry, and upon congregations, whose conduct shewed they were never called of God, the assembly provided, That none should seek presentations to benefices, *without advice to the presbytery in whose bounds they lay*, on pain of being repelled as *rei ambitus*; and they desired, that such as were guilty of dilapidating benefices, or of demitting them for favour or money, so as they become lay-patronages, might be punished as dilapidators.

Thus these lay-patronages continued a subject of controversy betwixt lay-patrons and the church, and occasioned many abuses, and much clamour, by the courtiers against her; but they could not fully accomplish their design, till after the union of the crowns, when the court being at a distance from Scotland, and open to the constant solicitation of men of other principles, the state of bishops was established in Scotland, by the 2d act of King James VI.'s 18th parliament, which met July 9. 1606; after which the power of presentation was lodged in the archbishops and bishops; but the patrons, by their interest in parliament, had the luck to keep their patronages on foot under several restrictions; which did not remove the evil that from the beginning was complained of: and, as an immediate and obvious consequence of it, simony, which is a direct bargain betwixt the patron and the minister to be presented, for obtaining a spiritual charge in the church, was too plainly tolerated, to the great scandal of religion, and manifest decay of piety and learning: for the patrons, by these simoniacal contracts, inverted the tithes to their own private use; and no minister was presented, till he had given a lease to his patron of the tithes of his parish, in consideration of a poor aliment to himself and his family. An abuse which ought certainly to affect all those who are truly religious, either in the church of England or Scotland.

This occasioned so many abuses in presenting of ministers, and filled the church so full of unqualified persons, that it was one of the principal causes of complaint which brought on the civil war, and occasioned the abolition of Prelacy in Scotland; as may be seen by the

acts

acts of aſſembly and papers of ſtate, from 1638 to 1641.

Preſbytery being reſtored in a parliament where the King was preſent, the affair of patronage was accommodated betwixt the King and the church, thus. Upon a petition from the aſſembly, for the better providing of vacant churches in his Majeſty's preſentation with qualified miniſters, his Majeſty agreed, that upon the ſending him a liſt of ſix perſons by the preſbytery, where the vacancy lay, he would preſent one of them; as appears by his declaration ſigned with his own hand at Whitehall, Jan. 3. 1642, and regiſtered in the books of the aſſembly, the 3d of Auguſt following. And by an act of the aſſembly of the ſame date, it appears, that the patronages formerly belonging to the biſhops, were veſted in the preſbyteries, by act of parliament; and that the like method of the preſbyteries ſending a liſt of qualified perſons to other lay-patrons, as to his Majeſty, was alſo agreed upon.

But in the aſſembly of 1643, they petitioned his Majeſty, That conſidering the difficulty of obtaining a liſt of ſix able and well-qualified perſons for every vacant church in his Majeſty's preſentation, he would accept a liſt of three, and of any one qualified perſon, who ſpoke Iriſh, for a vacant church in the highlands.

Matters continued thus till 1649, that, all theſe reſtrictions not being found ſufficient againſt the abuſes of lay-patrons, they were totally aboliſhed by act of parliament.

Epiſcopacy and patronages were reſtored by acts of parliament in King Charles II.'s reign, from 1662, and downwards. But when the meeting of the eſtates of Scotland was called expreſsly in 1689, for ſecuring the Proteſtant religion, and the ancient laws and liberties of the kingdom, to the legality of which meeting the biſhops did alſo ſubſcribe, as appears by the 2d act of that meeting; and by the 13th act, the eſtates did claim among other things, as appears by their declaration of right, "That Prelacy, and the ſuperiority of "any office in the church above preſbyters, is, and "has been, a great and inſupportable grievance and "trouble to this nation, and contrary to the inclination

"of

" of the generality of the people ever ſince the re-
" formation, (they having reformed from Popery by
" preſbyters), and therefore ought to be aboliſhed."

This meeting of eſtates did by the 20th act addreſs King William, " That the ſaid meeting ſhould be " turned into a parliament for ſecuring the Proteſtant re-
" ligion, the government, laws, and liberties of the
" kingdom, and redreſſing the grievances by them re-
" preſented." To which his Majeſty did interpoſe his royal authority, by agreeing to their addreſs, as appears by their 38th act.

Purſuant to the above-mentioned article of the claim of right, and the deſign of turning the meeting of eſtates into a parliament, Prelacy was aboliſhed by the third act, ſeſſ. 1. of King William and Queen Mary, July 22. 1689. And, ſtill purſuant to the ſame article, the parliament did, by act 2. ſeſſ. 2. April 25. 1690, reſtore the Preſbyterian miniſters who were thruſt from their churches ſince January 1. 1661. And in the 5th act of the ſame ſeſſion, after reciting the above-mentioned article of the claim of right as the foundation of their proceedings, and reciting likewiſe the laſt-mentioned act for aboliſhing Prelacy, they proceed to ſettle Preſbyterian church-government upon the foot of the act of 1592, and do ratify and revive the ſaid act *in the whole heads thereof*, except that part of it relating to *patronages*, which, they declare, *is heareafter to be taken into conſideration*. And purſuant to this reſervation, by the 23d act of that ſame parliament, July 19. 1690, they take away *the patrons power of preſentation*. All which acts were frequently ratified, not only by King William, but by her preſent Majeſty, ſince her happy acceſſion to the crown.

The act which moſt immediately relates to the patronages in debate, is the 6th act of her Majeſty's parliament for ſecuring the Proteſtant religion and Preſbyterian church-government, paſſed Jan. 16. 1707, wherein her Majeſty, with the advice and conſent of the eſtates of parliament, *ratifies, approves, and* FOR EVER CONFIRMS the 8th act of the 1ſt parliament of King William and Queen Mary, entitled, *An act ratifying the confeſſion of faith, and ſettling the Preſbyterian*

terian church-government, WITH THE HAILL OTHER ACTS OF PARLIAMENT RELATING THERETO, IN PROSECUTION OF THE DECLARATION OF THE ESTATES OF THIS KINGDOM, CONTAINING THE CLAIM OF RIGHT. So that this 23d act of parliament, *concerning patronages*, now ſought to be RESCINDED, being made purſuant to the above-mentioned article of the claim of right, to the very end of turning the ſaid meeting of the eſtates into a parliament, and for completing the ſettlement mentioned in the ſaid 5th act for ſettling Preſbyterian church government in the terms of it, is very plainly confirmed by the ſaid 6th act of her Majeſty's parliament 1707, which is made, and expreſsly declared to be, a fundamental and eſſential condition of the treaty of union.

Beſides, by this act for aboliſhing *patronages*, now ſought to be reſcinded, nothing but the right of preſentation is taken from the patrons, in order to ſettle the call of miniſters upon the foot of a free apoſtolical election, which our church has always contended for: and this the patrons have ſo little cauſe to complain of, that their civil right is put in a better condition than before; for now they have a right to the tithes, and are in a manner made titulars; whereas, ſo long as they continued only patrons, they were under a neceſſity to make contracts with the miniſters they preſented, about the right of tithes; which now they need not do, ſince they themſelves are the titulars, and the miniſters only ſtipendiaries. This has effectually put a ſtop to *ſimoniacal* contracts, which have ever been the abhorrence of all Chriſtian churches, and of none more than the church of England, from whom in this matter we don't differ in principle; as may be ſeen in her 40th canon, containing the oath which all intrants are obliged to take at their inſtitution into benefices, *viz.* "That they have made no ſimoniacal payment, contract, "or promiſe, directly or indirectly, by themſelves, or by "any other to their knowledge, or with their conſent, "to any perſon or perſons whatſoever, for, or concerning the procuring and obtaining of this eccleſiaſtical dignity, place, preferment, office, or li-

" ving, nor will at any time hereafter perform or ſatis-
" fy any ſuch kind of payment, contract, or promiſe
" made by any other without their knowledge and con-
" ſent."

It muſt be owned, that this is a very ſtrict oath; but we are not to wonder, that the church of England took ſuch precautions in a matter of this importance, ſince in the preamble to the canon ſhe juſtly ſays, *That ſimony is a deteſtable ſin, and that the buying and ſelling of ſpiritual and eccleſiaſtical functions, offices, promotions, dignities, and livings,* IS EXECRABLE BEFORE GOD.

'Tis therefore hoped, that ſince the church of England complains of lay-patronage as a grievance, the legiſlature will not again put our necks under that yoke, which neither we nor our fathers were able to bear; eſpecially, ſince Providence has delivered us from it, and that we are as much ſecured againſt it, as our own particular laws, founded upon the claim of right, and the treaty of union, can ſecure us.

It ought alſo to be conſidered, that England has always valued herſelf for being delivered from that vaſſallage, which her great men had over the commons. Therefore 'tis believed, that they will not bring us again under a ſpiritual vaſſallage, which is the moſt inſupportable of all others, and may in time come to be dangerous to the ſtate; ſince many of our nobility and gentry did formerly claim a right of patronage over many churches, which belonged to their particular families; and if reſtored, will give them as great a power over the ſouls of the people, as civil vaſſallage gives them over their bodies: And if many of thoſe patronages ſhould fall into the hands of perſons diſaffected to the government, it is more eaſy to foreſee, than to avoid the conſequence.

We know 'tis uſed as an argument for reſtoring lay-patronages, that the right of preſenting miniſters is a right of property, to which the patrons have as good a title as to their eſtates; and alſo that there was about 33 l. Sterling to be paid to the patrons for renouncing their right of preſentation, which has never been paid.

Any one may ſee that theſe are very ſlight pretences

to weaken or alter the conſtitution of a church, ſo ſolemnly eſtabliſhed, as a fundamental and unalterable article of the union. The fair dealing that is eſſential to the execution of all treaties does not admit, that upon ſuch weak pretence there ſhould be the leaſt ſtraitening of the benefit intended for the quiet and ſatisfaction, as well as for the ſecurity of the church of Scotland. No man, ſoberly thinking, can imagine that any one has that ſame property in preſenting miniſters to churches, as they have in their lands, houſes, goods, and chattels: beſides, the patrons of Scotland, as has been obſerved already, have not the foundation of patronage required by the Canon law. The churches of Scotland are not endowed by the patrons, nor out of any private eſtate; for, ſince the reformation, the ſtate of the proviſion of miniſters, and conſequently of the patrons claims, is very much altered. Miniſters have their ſtipends or allowance for ſerving the cures, out of the tithes, which, as we have heard already, is by law accounted the patrimony of the church, and churches are appointed to be built and repaired by the pariſhioners. The ground upon which the churches are built, the glebes, and miniſters dwelling-houſes, are by law taken out of the property of the pariſh; ſo that it is the church and the pariſh that have the title of the Canon law to the patronage, ſince it is the pariſh who gave the *dos*, *ædificatio*, and the *fundus*. But ſuppoſing it were otherwiſe, it is very ſtrange to renew thoſe claims now, after things have been eſtabliſhed to the contrary, as an inviolable and fundamental article of the union.

The other part of the objection, that the patrons have not received the 33 l. for reſigning their right of preſentation, can never be allowed as a good reaſon to reſtore that right; ſince the very act did provide for a diſtreſs and execution at the ſuit of patrons, againſt the pariſh, if the ſaid 33 l. was not paid: but if this execution has not been made uſe of by the patrons, 'tis their own fault. Therefore they cannot in juſtice pretend to have ſuch a relief as a right to the preſentation, for that which has been the conſequence of their own neglect. But further, it is wrong to pretend, that there was no other price appointed by the ſaid act for

the right of preſentation, but the 33 l. above mentioned; ſince there is certainly a much more valuable conſideration. The patrons, who, before that act, could have no right to the tithes, but by ſimony, which is execrable, and conſequently not to be juſtified by any colour of law, have, by the very act which deprives them of the right of preſentation, a title to the tithes, with the burden only of a fair and honeſt proviſion to be ſettled by the law upon the miniſters for ſerving the cure. This the patrons do enjoy, and have enjoyed for twenty-two years; and by virtue of that title the tithes have been conveyed from hand to hand.

Will men who pretend to have patronages reſtored becauſe of a delicacy in point of property, rob the church of her tithes, which is her patrimony, without allowing the calling and ordaining of miniſters to remain as it is now eſtabliſhed, agreeable to the moſt ancient practice of the Chriſtian church? Will they pretend to enjoy the purchaſe and the price too? Can they imagine, though they are blinded with prejudice in their own favour, that ever they can prevail with members of parliament to agree to ſuch extraordinary demands?

It is likewiſe induſtriouſly given out, that the manner of calling miniſters, as eſtabliſhed by the laws of Scotland, and the treaty of union, has been the cauſe of much diſſenſion and diviſion, and that the votes of farmers, mechanics, and other mean people, have been of equal or greater weight than thoſe of the chief landed men of the pariſh, *&c.* But if this objection be good, then the practice of the primitive church was erroneous, and Chriſtianity itſelf culpable; which, though in its own nature a doctrine of peace, has, through the corruptions of men, occaſioned diviſions among the neareſt and deareſt relations. Therefore 'tis hoped no man will allow this objection to be of any weight. But, as a more direct anſwer, where are the numerous inſtances, or mighty evidences, of theſe diviſions complained of? Muſt a few ill grounded ſtories be ſufficient to overturn a law, that has now been in poſſeſſion of the church and people for 22 years? And can it not be proved, that the chief diviſions, which have

have happened on this account, arose from such as are disaffected to the civil government? Or can it be denied, that several of them have been prosecuted for it? But further, will the restoring the right of presentation to patrons cure this pretended evil? Will not the body of the parish complain that a pastor is imposed upon them? Has a superior a title to impose, in matters of that kind, upon his vassal; or a landlord on his tenant? Has not the exorbitant usurpation of superiors and landlords over mens bodies and goods been loudly complained of? and will they now pretend to extend their superiority over the people's souls too in matters of a spiritual concern?

In short, all these objections are trifling; and those who make them, don't seem to have read the act concerning patronages, which they would have repealed. The words of it are, That the heritors, *i. e.* landed men of the parish, being Protestants, and the elders, (not the mob), are to name the minister to the whole congregation, to be approven or disapproven; and if they disapprove, the disapprovers must give in their reasons to be examined by the presbytery; and if their reasons be not found good, the nomination of the heritors and elders stands. So that the claim of those who insist on this argument is, to take away the right of presentation from the landed men of the parish, and give it to the patron, who frequently has no residence or interest in the parish, nor is so much as known to them by face; but lives in a remote country, and is often a man of a much less estate than many of the heritors of the parish.

But if the hazard of division be a good argument, 'tis much stronger upon the side of those who have a standing law to support their claim. For it is plain and undeniable, that many of the patrons in Scotland are neither well affected to the establishment of the church, nor to the civil government; and no doubt such patrons will present men to whom the church cannot agree; and then a division must arise betwixt the church and patrons, upon every occasion of a vacancy; of which the most obvious consequences are, that the churches will be kept vacant, to the great discouragement of religion

and piety, and, in ſome counties, to the great encouragement of trafficking Popiſh prieſts. Quarrels will alſo ariſe betwixt the patrons and the pariſh, about the diſpoſal of the fruits of the benefice, during the vacation, which diſaffected patrons will think piouſly applied, when given to ſuch miniſters as are of their own ſtamp, and enemies both to the church and the civil government. Now, whether theſe inconveniencies don't very much caſt the balance upon the ſide of a ſtanding law, which the people have been poſſeſſed of for twenty-two years, and is ratified by the treaty of union; let all impartial men judge.

'Tis really ſtrange, that any man ſhould inſiſt upon reſtoring the right of preſentation on the foot of perſonal property by a general law, when there are ſo many patrons, and thoſe too of the moſt conſiderable in Scotland, that will oppoſe ſuch a reſtitution as they have a lawful opportunity. There are not a few who in conſcience think they cannot enjoy the right of tithes, and of the preſentation too, and prefer the firſt as a much more valuable and juſter right than the former. There are many who are juſtly afraid that this reſtitution of patronages, and annexing thoſe of biſhoprics to the crown, may have convulſive effects, and raiſe diſputes betwixt the crown and ſuch as have derived the rights of patronages from it.

Men are not free from apprehenſions, that though tithes be not now reſtored to the church, yet in all probability they muſt in time, if the preſentations be reſtored to the patrons; and many whom none of thoſe reaſons move, are very tender of any thing that may give occaſion to diſoblige and vex ſo conſiderable a body as the Preſbyterians of Scotland, by depriving them of the liberty and privilege they enjoy of calling their own paſtors; and even thoſe that think people are in the wrong to be uneaſy on that account, yet would be very loth to fret them, by making a new law, of which there appears to be ſo little neceſſity or advantage, except to a few patrons, who have raiſed and proſecuted this noiſe for their own private views.

To conclude, what good reaſon can there be given for breaking in upon the ſettlement of the church of Scotland,

Scotland, and alarming its members in ſo material a point as depriving them of the power to call their own miniſters; and that too whilſt the moſt remote apprehenſions of danger to the church of England occaſion ſuch extraordinary uneaſineſs to her members, and give riſe to new fences and ſecurities for her, beyond what is provided in the treaty of union? Is it ſuitable to the fair execution of that treaty, that whilſt the ſecurities of the one are increaſed, things are interpreted in the ſtricteſt manner to the prejudice of the other, her ſecurities endeavoured to be diminiſhed, and even her rights and poſſeſſions taken from her? Are not both churches eſtabliſhed upon a foot of equal ſecurity by the union? and is there any manner of compariſon betwixt the hazard of the one and the other? Certainly ſome mens proceedings give us reaſon to ſuſpect, that they will leave no article of the union unattempted, when they are for breaking in thus upon the rights and privileges of the church of Scotland, which are made a fundamental and eſſential condition of the union, and are ſecured by the treaty from any alteration thereof, or derogation therefrom, in any ſort for ever. How well ſuch projects agree with loyalty to her Majeſty, and zeal for the Hanover ſucceſſion, that has no other eſtabliſhment in Scotland, but from the union-treaty, which her Majeſty has declared to be one of the tranſactions of her reign, that ſhe glories moſt in, let the world judge.

CON-

CONSIDERATIONS ON PATRONAGES.

ADDRESSED TO THE GENTLEMEN of SCOTLAND.

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WHEN the ſettlements of the churches in Scotland are occaſioning ſuch heat and contention, 'tis ſurpriſing to find ſo many of the gentlemen of Scotland ſtanding as idle ſpectators of the flame, when it does not actually touch themſelves, in the immediate ſettlement of their own pariſh-churches, taking no ſteps to prevent the diſorder in general, by a new law. The matter is left almoſt wholly to the clergy, and a few gentlemen who happen to be much under their influence, as if this were an affair in which the clergy alone are concerned: while yet 'tis manifeſt, that the intereſt of the gentlemen of Scotland is much more concerned than that of the clergy; and they are generally ſenſible of it when it is repreſented to them.

The raſh imprudent ſchemes purſued by ſome weak zealots of the church, have contributed not a little to make wiſe men averſe from concurring with them: but this ſhould not hinder their contributing what they can for

for obtaining a wiſe regulation of this matter, different from that purſued by the zealots. I apprehend, that many of the gentlemen are not yet fully apprized of the miſerable ſtate of this matter, according to the preſent laws; and of the fatal conſequences to be apprehended, if theſe laws continue unrepealed. Others lie ſtill in this affair, from a baſe indifference about the intereſts of their country, or from a ſervile caution of offending thoſe in power, by taking any ſteps to which they are not previouſly commanded; leſt they ſhould loſe any little places or penſions they hold, or loſe their diſtant hopes of ſuch advantages: while yet they will not do the ingenuous friendly office of repreſenting faithfully to men in power, what the nation in general expects from them, the granting of which would really ſettle their intereſt in the hearts of a great majority of the gentry, as well as of the clergy, and populace.

THE following conſiderations are humbly offered to the gentlemen of Scotland; firſt, on the preſent ſtate of patronages, and the conſequences to be apprehended, if the laws continue as they are; and next are offered ſome thoughts upon the importance of thoſe rights, which the gentlemen of Scotland have loſt by theſe laws.

I. To apprehend well the preſent ſtate of patronages, we muſt reſume this matter from the reformation. At that remarkable period, the whole *temporalities* of the church were reſumed by the crown and parliament; and ſoon after, a new maintenance was ſettled for miniſters, in about 960 pariſh-churches. Yet in that irregular haſty ſettlement the *patronages* were not aboliſhed by law: the patrons therefore of the old, ſplendid, Popiſh livings, ſtill claimed a patronage in the new-ſettled, poor ſtipends for pariſh-miniſters. The lords, or gentlemen, who got from the crown grants of the ſuperiorities and lands of old abbeys, claimed alſo the patronage of all the churches which were in the gift of thoſe *abbeys*, during Popery. The King too claimed the old patronage of the crown, and thoſe of any *eccleſiaſtic corporations* not granted away. The *Scotch biſhops*, whenſoever they came in, claimed the patronages

ges belonging in times of Popery to the Popiſh ſees. But, upon the reformation, the eccleſiaſtic laws, or acts of aſſembly, confirmed alſo in parliament, required, in order to a ſettlement of a miniſter, ſome concurrence of the congregation, of the heritors and kirk-ſeſſion, before a preſbytery could regularly ordain or inſtall the miniſter preſented. Frequent confuſions, no doubt, were occaſioned by the jarring of the patrons with the preſbyteries, or heritors: but the final deciſion of all ſuch debates in the ſettlement of churches, was, by act of parliament, James VI. *anno* 1567, committed to the general aſſembly.

Thus matters continued to the year 1649, when, by act of parliament, patronages were aboliſhed entirely, and the election or nomination of miniſters was committed to the *kirk-ſeſſions*, or elders; who, in thoſe days of univerſal ſobriety, and outward appearance at leaſt of religion among the Preſbyterians, were generally the gentlemen or heritors of beſt condition in the pariſhes, who were in communion with the church. After the reſtoration of King Charles II. along with Epiſcopacy patronages returned, yet under the old laws; and all debates were finally determinable by the *general aſſemblies*, which, even under Epiſcopacy, were the ſupreme eccleſiaſtic court. Thus they continued till the revolution, when the Preſbyterian model was reſtored by act of parliament.

The Preſbyterian parliament, after the revolution, *anno* 1690, act 23. did firſt abrogate all laws eſtabliſhing the right of patronage, and "*caſs, annul, and* "*make void*, that power altogether;" committing to the *heritors and elders* in the country, and to *magiſtrates, town-council, and elders*, in boroughs, the right of electing the miniſters: and then, by a ſubſequent act, *viz.* the 29th of the ſame ſeſſion, veſted all the ſuperiorities and rights of the Scotch biſhops in the crown. Sure they never intended to include among them that right of patronage, which by a former act was aboliſhed altogether. There muſt be ſome other foundation for this claim of the crown, if there be any at all. The patronages of the biſhops, were they to ſubſiſt at all, ſhould more naturally have gone, with their other eccleſiaſtic

eccleſiaſtic powers, to the ſeveral preſbyteries; as that right now devolves, by the neglect of any patron, to the preſbytery.

Thus matters continued in a very peaceable eaſy manner till the year 1711; when the late Queen's miniſtry, intending to defeat the Hanover ſucceſſion, took all methods to haraſs ſuch as were firmly attached to it, which the Preſbyterian gentry and clergy ever were, both from principle and intereſt. An act therefore was obtained, reſtoring patrons to their power, though in the moſt direct oppoſition to the *articles of the union*, and the public faith of the nation then given, in that ſacred treaty, upon which is founded his Majeſty's title to the crown of Scotland, and the very parliament of Great Britain itſelf. This treaty as ſacredly and ſolemnly ſecured to the church of Scotland all its rights and privileges, and all the laws, as they then were, in its favour, to continue unalterable for ever, as it ſecured any thing elſe whatſoever.

By this act, however, in 1711, the King is now in poſſeſſion of the patronage of above 550 churches, out of 950: having not only the old patronage of the crown, but many patronages acquired at the reformation, not yet alienated; all the patronages of the fourteen biſhops; and all the patronages of the lords forfeited in 1715*; and theſe patronages may all be uſed for any ſuch purpoſes as the miniſters of ſtate ſhall adviſe. Of the remaining churches not in the King's gift, there are near 200 in the patronage of ſome lords, who ſometimes have not one foot of land in the pariſhes, nor any rents or intereſt whatſoever in them, or, at beſt, but ſome trifling feu-duty, or free teinds; and this by virtue of ſome old grant to their anceſtors, of the ſuperiorities of ſome abbeys or convents; or by their retaining this, among ſome other little ſuperiorities over lands, which their anceſtors have ſquandered away ſome ages ago. The magiſtrates of ſome few boroughs are patrons of ſome of their churches. But there are not 150 pariſhes in Scotland, where the patronage is in any gentleman of conſiderable eſtate, or natural intereſt in the pariſhes, to whom it is of any real conſequence, as

* The crown is alſo in poſſeſſion of thoſe forfeited in 1745.

to

to himſelf, whether the miniſter be a perſon of ſobriety, diligence, or good abilities in his office, or not.

The miſchiefs of patronage are but beginning to appear. The patrons cannot yet ſucceſsfully preſent men of bad morals, or make *ſimoniacal bargains*, though ſome attempts of this kind are talked of *. The preſbyteries, and ſome heritors, are not yet tame enough to quit their rights altogether; ſettlements upon preſentations are often retarded, and ſometimes defeated; the preſentations are not yet current ſaleable goods; a ſilly, vitious, or groſsly-imprudent preſentee, may be defeated. The gentry, tho' too indolent about the affair in general, or about the obtaining a new law, yet when a ſettlement, contrary to their inclinations, is a-forcing upon them in their own pariſhes, ſhew abundant zeal in the particular caſe. 'Tis deplorable, that the populace, who have little judgment about the abilities of men, generally pitch upon as weak candidates as the patrons do, nay, ſometimes upon worſe: and the gentlemen who oppoſe the patron, muſt join them, and allow them greater power than in proportion to their abilities of diſcernment. Men muſt not ſubdivide into parties, who are oppoſing a ſuperior power. The preſbyteries generally too oppoſe a preſentation, unleſs they can bring a tolerable concurrence of the pariſh; ſometimes chiefly regarding the heritors, and ſometimes the elders alſo and people. There are generally yet great ſtruggles in this matter. But if the humour increaſes among the gentry of deſpiſing their own right in this matter; and if, along with their rights, thoſe of the preſbyteries, and other church-judicatories, tho' confirmed by acts of parliament, muſt be given up to gratify the patrons, the preſbyteries and elders, thus deſerted by the gentlemen, will ſoon be wearied out, eſpecially if deciſions of the lords of the ſeſſion run againſt them: then at laſt every preſentation will paſs current, and take effect, without oppoſition; and when this happens, the natural effects of ſuch a ſettlement of patronage will appear deplorable.

Inſtead of ſtudying ſobriety of manners, piety, dili-

* Since the time this was wrote, too many inſtances can be produced.

gence, or literature, one or other of which qualities are now neceſſary to recommend the candidates to the favour of heritors, elders, or preſbytery, the candidate's ſole ſtudy will be to ſtand right in *politics*, to make his zeal for the *miniſtry of ſtate* conſpicuous, or by all ſervile compliance with the humour of ſome great lord who has many churches in his gift, whether that humour be virtuous or vitious, to ſecure a preſentation from him.

When a patron, or one much in favour with a patron, or with a miniſter of ſtate, happens to be mercenary and covetous, there will be *bribes* and *purchaſes* in the caſe. A man of literature, of a gentlemanly education, can afford nothing for a ſmall ſtipend; the whole of which cannot maintain him in the way of life he muſt lead, or provide him with books for his further improvement. The poor illiterate wretch, who never was accuſtomed to a better way of life than a ploughman, who deſires no books, or learned converſation, or ſociety with gentlemen, he is the ſure purchaſer; he can ſubſiſt on twenty or thirty pounds *per annum*; to him this is a ſufficient living, nay his condition is raiſed; he can allow the other half of his ſtipend to run on for eight or ten years to diſcharge the *ſimoniacal debt*. In better livings of 90 or 100 l. *per annum*, the bargain may be better: the price may be three or four hundred pounds Sterling; a ſum not deſpicable to ſome very honourable families in Scotland, or great court-favourites. One muſt expect, whenever preſentations take effect without obſtruction, that this will be the caſe ordinarily in this country, where there is ſo much indigence; and then the Scotch clergy will be the moſt deſpicable ſet of churchmen in *Chriſtendom*.

Many of the gentry who depend on the preſent miniſters of ſtate, and have their favour, are very keen in the cauſe of patronages: 'tis the power of their patrons they are ſupporting. Little do they think of the inconſtancy of power, or favour at court; what they now are building up, may hereafter be the ſupport and defence of their enemies, upon a change of favour. The enemies to the preſent miniſtry, however many of them appear

appear keen for the repeal of the patronage act, yet would be grieved if it ſucceeded under the preſent miniſtry: they well know how popular an act it would be to reſtore ſo valuable a right to the body of the gentry in Scotland: they know, that the whole odium of the refuſal will ſtill fall upon thoſe in power, and thoſe only. No artifice the miniſters of ſtate can uſe will ſcreen them from it; if the bill is defeated, it is by their means, however they may allow a friend or two to vote for it. They could eaſily carry the bill without expenſe or trouble if they pleaſed, when ſo many of the ſtate-oppoſition are moving for it. A lord or two may deſire to be heard by their lawyers againſt the bill; but 'tis well known, that if the court were hearty for it, theſe very lords, rather than loſe their *places* or *penſions*, would be the firſt movers for the repeal. The repeal indeed would diminiſh a little, and but a very little, the power of the preſent miniſtry to oblige friends by a preſentation from the crown now and then. But till the heritors, elders, people, and clergy have forgotten more thoroughly their ancient right, this power is not ſo very conſiderable. It may indeed hereafter become pretty great, and obtain to ſome future miniſters perhaps four or five years purchaſe of near two thirds of the church-revenues of Scotland, as they fall vacant.

'Tis ſubmitted to all impartial men, whether that act in 1711 was not the moſt direct breach of the moſt ſolemn public faith in the articles of union? and whether it can be very glorious in the miniſters or friends of a Proteſtant prince of the *Hanover-line*, to retain that claim, ſo oppreſſive to the church of Scotland, which was introduced by the enemies of that illuſtrious family, on purpoſe to diſtreſs and raiſe diſſenſions in the church of Scotland, becauſe of their ſteady adherence to their ſucceſſion, when it was in great danger?

II. As to the *importance* of thoſe rights the gentlemen of Scotland are deprived of by that law reſtoring patronages: Rights are of importance, according to mens notions of life: what affects religion, is of importance to the religious: but to all men it is of im-

portance, to have ſome power to ſerve their friends, or the men they eſteem and love. Suppoſe a man of fortune void of all religion, or regard to piety and virtue; yet he muſt deſire ſuch power of every kind. Would not any gentleman think himſelf highly injured, were he deprived of his right of voting in the meetings of the ſhire, about chuſing the collectors of the ceſs, or any other civil matters? And yet this is but one vote among 50 or 60 votes, or perhaps 90 or 100, in chuſing to places of ſmall profit. What is it then when the whole gentry of a nation, or at leaſt ninety-nine in a hundred, loſe their votes, and all influence in elections to places of greater value, in elections where each one had a vote among eighteen or twenty voters, nay, ſometimes among far fewer? This is the caſe as to elections of pariſh-miniſters. What is it to have the votes of almoſt all who have any natural concern in ſuch matters ſtruck off; to have near two thirds of ſuch places diſpoſed of by a miniſter of ſtate, or ſome favourite of his, while the beſt gentlemen in the country are mere ciphers in this matter which ſo nearly concerns them; and the remaining third part of ſuch places in the gift of a few lords and gentlemen, who often have no eſtate or intereſt in the pariſhes? The moſt diſagreeable man, who has perhaps affronted a gentleman, may be ſettled under his noſe as a ſpy upon him, by a court-intereſt; or by ſome diſaffected lord, becauſe of the gentleman's good affection to the king and his miniſtry. 'Tis ſurpriſing that the gentry of Scotland are not more aware of the conſequences of all this, as a civil matter, abſtracted from all religious conſiderations.

As to thoſe who have ſome regards for religion, they cannot be at a loſs in ſeeing the miſchiefs which muſt ariſe in a little time from the preſent laws. Let divines inſiſt on arguments from ſcripture, and the innumerable ſevere canons in the early and leſs corrupt ages of the church: I ſuggeſt only thoughts of common prudence.

Can a miniſter of ſtate at London know the characters of our probationers for the miniſtry in the church? Is it to be expected, that his dependents and favourites,

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in ſoliciting by his means for a regal preſentation, will ordinarily regard conſcientiouſly the moral characters and abilities of the candidates? Is there no danger of *ſecret contracts* of a very infamous nature? If a candidate is related to one who has ſome votes in the ſhire for members of parliament, or has great intereſt in a borough, may not he generally obtain a regal preſentation from a miniſter of ſtate, without any regard to merit? nay, may not men of intereſt in ſhires or boroughs make conditional ſales of ſuch preſentations? 'Tis certain there may be ſome abuſe made, ſome miſtakes may happen upon the beſt ſchemes of church-ſettlements: but let any man of common candour conſider whether the dangers of preſentation of worthleſs, immoral, or weak, mean men, be not incomparably greater according to the preſent ſtate of patronages, than in almoſt any ſcheme which was ever deviſed. If miniſters are to be choſen by the men of property in the ſeveral pariſhes, in conjunction with the elders as repreſentatives of the people, is there any ſuch hope of ſucceſs to a vitious or deſpicable creature? How hardly will a number of perſons ſome way concerned in the character of their miniſter, be either unacquainted with it, or concur in electing an infamous candidate? Can miniſters of ſtate, or great lords living at London, or in remote parts of Scotland, have ſuch opportunities of information, or ſuch intereſt in ſettling agreeable diligent wiſe men? Can a *ſimoniacal bargain*, be a ſecret which is contracted with ten or a dozen of electors? There is no compariſon in theſe points. Would heritors, elders, preſbytery, or people, ever have choſen that *fornication-hero* who is lately excommunicated? It is well known that kirk-ſeſſion, preſbytery, ſynod, and people, long oppoſed his ſettlement, till at laſt the want of legal proof of relevant immoralities, and the great deference to that truly noble and great lord the patron, brought them to a ſort of unwilling compliance. When ſuch an inſtance happened by the preſentation of that moſt noble lord, whoſe hereditary good-will and affection to the church of Scotland, whoſe ſuperiority to all baſe temptations of money are ſo well

known, what may be dreaded from many other patrons of very different characters?

Is it nothing to the gentlemen of Scotland to transmit, along with their lands, to their heirs a *natural hereditary influence* among their neighbours, by which they can reward any wise ingenious sober scholar, who, by faithful diligence as a tutor, has formed the minds of their heirs to knowledge and virtue? What when a worthy kinsman takes to that way of life in the church? If a gentleman's relations are unworthy or vitious, unfit for that sacred office, men of estates will not get the concurrence of other heritors and elders, or the presbytery. But when the kinsman is really worthy and pious, is it nothing to have some influence in obtaining to him a comfortable support? Must this whole power be confined to the king and seven or eight lords? As to the few boroughs where magistrates and council are now patrons of their own churches, or of some of them, they have their own friends to take care of: country-gentlemen cannot have any expectation from them. Is it the true Scotch spirit, to love to be suppliants for every thing, to cringe to men in power rather than to have a natural power of their own, a few *benefica populi*, to be obtained by their favour?

Is it to be expected, that men of fortune, thus deprived of what was established to them as their right by the most solemn faith of the most solemn treaty incorporating two nations, will think themselves concerned to regard or to support the credit and influence of preachers forced upon them without their consent? And when ministers are thus neglected by men of fortune in the parish, and perhaps affronted, (as the passions of men in a just cause may often lead them farther than they ought), is it to be expected that ministers will not soon too be despised by the populace, and lose all influence with them as to any thing of piety or virtue in their manners? I need not enlarge upon these mischiefs; they are abundantly known in some places already; and all who have any regard to religion, must think it a matter of consequence to prevent them for the future.

In whatever light we consider this matter, it cannot appear as a thing indifferent. Is it not of some importance

tance to gentlemen, to have a miniſter capable of entertaining them agreeably in public with rational and edifying diſcourſes? Is it nothing to gentlemen, particularly to ſuch as reſide in the country, to have a miniſter they could make a friend of, a man of letters and good ſenſe, one of ſocial virtuous diſpoſitions of mind, who hath had the advantage of a liberal education, and not only knows books, but men and good company? Would not a gentleman alſo value one who underſtands and teaches the true principles of religion and morality to his children, his family, his tenants, and all his neighbourhood, and who does what he can by his life and doctrine to form their tempers and lives in the moſt effectual manner, for promoting their own happineſs, and being good members of ſociety; one who is capable of giving wiſe advices, reconciling variances, promoting peace and love, and hath a juſt influence for advancing theſe good ends? Abſtracting even from Chriſtianity and a future ſtate, don't theſe things well deſerve the care and attention of any gentleman of thought and conduct? And is it not therefore of ſome conſequence to have ſome influence in their pariſhes in the choice of a right miniſter? And if we ſuppoſe that gentlemen have a real regard to piety and our holy Chriſtian religion, as God be thanked there are ſtill many ſuch in Scotland, they have ſtill much more reaſon to be ſolicitous in this matter.

I ſhall not ſay much of the preſent bill in dependence, or other ſchemes propoſed. It is plain the bill propoſed would effectually prevent many of thoſe evils which ariſe from patronage. If it took place, ſettlements would generally be according to the inclinations of the principal men of intereſt in each pariſh, who could give moſt credit and influence to the miniſter, and contribute moſt to his encouragement in his work; and theſe men of intereſt, generally ſpeaking, would bring the tenants and inferior people along with them; ſo that unhappy debates and diviſions about ſettlements would be in a great meaſure prevented. There are few pariſhes in which there would not be ten or twelve electors; there generally would be three times that number. The people would be repreſented by the el-

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ders, and hold a like eccleſiaſtic liberty to that they have in civil matters. Simony would be generally impracticable. Immoral or weak men could have ſmall hopes of admiſſion.

If that bill paſſed, I ſhould not doubt of ſeeing a great improvement among the Scotch clergy in a few years. More of the younger ſons of gentlemen would ſtudy divinity, and ſuch would have better hopes of being ſoon admitted into livings. Their better education and intereſt, with their patrimonies, would obtain more eſteem and influence among the gentry as well as among the people. They might be improving companions, inſtructors, adviſers to the better ſort in general, particularly to young gentlemen in their education and conduct in life.

Nor would the ſons of gentlemen have any reaſon to deſpiſe this way of life. To every wiſe and virtuous man this office muſt appear to be of the moſt uſeful tendency, wherein a man may at leaſt propoſe to do as much good to his fellow-creatures, as in any other of the middle ſtations of life whatſoever; and therefore it has the juſteſt claim to eſteem and reſpect among mankind. And it may be ſaid in general, that bad as we are, it muſt be owing to the preſent miſbehaviour of clergymen themſelves if they want as much regard (among people at leaſt of ordinary thought and diſcretion) as they ought reaſonably to deſire. And though indeed their livings be but ſmall in compariſon of thoſe in the neighbouring countries, or rather that they are more equally divided, and no very great benefices among them; yet ſuch as they are, they don't ſeem to be below, even in a civil account, gentlemens younger ſons, or even the eldeſt ſons of many of them. At a moderate computation one with another, including glebes and manſes, they may be reckoned about eighty pounds *per annum*. Pray how few gentlemens ſons make more in their different ways of life; even thoſe of our other learned profeſſions, lawyers, attorneys, phyſicians, ſurgeons, how few of them would not chearfully give their yearly profits by their buſineſs for eighty pounds? Where one makes more in Scotland, I believe I may venture to ſay three make leſs. And what

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is a great advantage to miniſters is, that what they have is ſure, at leaſt not expoſed to ſuch terrible viciſſitudes or ſuch precarious circumſtances as the fortunes of moſt other people are. Beſides, much depends upon that ſobriety and regularity of life, both at home and abroad, which their character in a particular manner requires, and enables them to live better upon their ſtipends, than moſt other people in a different way, upon the like ſum, and a good deal more.

If gentlemens ſons were educated this way, a ſtop would naturally be put to lads of mean parentage and circumſtances, directing their views to the miniſtry; none of whom indeed ſhould be encouraged or recommended by gentlemen or miniſters, and puſhed through ſchools and colleges, as too many ſince the revolution have been, unleſs there be evidently ſomething uncommonly bright and promiſing in their genius. For the intereſts of religion and virtue, and the reaſonable credit and influence of the clergy for doing good, I wiſh that much more caution may be uſed this way for the future. For this reaſon it is to be deſired, that ſome regulation were made about burſaries, that ſome were ſuppreſſed altogether, and two, three, or four others were joined in one, to be a handſome encouragement not below any young man of real merit. Some method, I hope, will be fallen upon for this. But in the mean time it is one thing indeed that very much recommends this bill to me, that, by putting ſettlements chiefly into the hands of the principal men of intereſt in the pariſhes, it will encourage a greater number of virtuous and ſtudious young gentlemen to take to this way of life, which is contemptible upon no account, if it be not perhaps thought ſo by reaſon of ſo many people of very mean birth and fortune having got into it. And this is what I think very well deſerves the conſideration of the Scotch gentry, thoſe particularly of the middle kind; and ſhould alſo excite the concern of all thoſe who wiſh well to the advancement of all valuable and uſeful improvements among the clergy.

There have been many other ſchemes propoſed about the ſettlement of churches, every one of which

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is liable to inconveniencies, and I am far from thinking the one propoſed in the bill is altogether free of them. Yet I would prefer it to the moſt I have ſeen, particularly to ſuch as put it wholly or chiefly in the hands of the populace. Inſtead of many reaſons, I ſhall only name one why I would do ſo, *viz.* that the populace are by no means the fitteſt and beſt judges of miniſterial qualifications. Preaching, for inſtance, is one main thing to be noticed in a right choice. Now, what kind of preachers are they whom the vulgar chiefly admire? Why, chiefly thoſe who ſtrike their outward ſenſes in the ſtrongeſt manner, ſuch as have the moſt noiſy and ſtrange vociferation, uſe the moſt violent action and geſtures; or ſuch as declaim moſt againſt ſuperiors in church and ſtate, and ſhew the warmeſt zeal about little things. They may live well enough with miniſters of another character. But ſuch clergymen as theſe now deſcribed will be generally the greateſt idols of the populace, though they are poſſeſſed of little learning, ſenſe, or moderation, or any other good qualities. Now, if the choice of miniſters were chiefly in the vulgar, I would be much afraid this would be one bad effect among others, that it would be too violent a temptation to preachers in order to gain the applauſe of the electors, to ſuit themſelves to their mean and depraved taſte. A habit of this kind is ſoon contracted, and the effect of it very charming to many minds; and indeed it is a much more eaſy taſk than to gain the rational approbation of gentlemen of virtue and diſcernment. But alas! need I ſay of what vaſt prejudice this would be to all elegant and valuable ſtudies? and what is much more to be conſidered, a very great loſs to the intereſts of true religion and virtue?

But not to argue upon other ſchemes, it may be of more uſe to notice, that by mens diſagreeing about the different ſchemes in any good deſign, the whole is often defeated. It were heartily to be wiſhed that all would unite in the one already propoſed in parliament, even though they don't think it the beſt poſſible. No ſcheme will prevent all inconveniencies; and none will ever ſucceed which does not allow a great influence to the gentlemen of eſtates. 'Tis a grand advance

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to remove once the old inveterate evil of *patronage*; amendments may perhaps be more eaſily obtained hereafter, if they are found neceſſary. 'Tis ſtrange folly to be contriving varieties of ſchemes, while it is yet ſo uncertain whether any alteration is really intended by thoſe who alone can accompliſh it. I can't but ſuſpect all as enemies in their hearts to this repeal, who are not willing to accept that bill with all gratitude to God and our civil governors, whatever better plans they may fancy: and ſetting afoot impracticable ſchemes, ſuch as cannot be expected from the *legiſlature*, muſt be a ſtratagem of the ſecret enemies of the whole deſign, by which weak honeſt men are to be defeated of the advantage deſired.

Honeſt men who wiſh well to the country and king, and to the church of Scotland, ſhould not, upon any delay of their requeſts, run violently againſt the king, or thoſe he thinks fit to employ. Enemies of the church may inſtigate them to this conduct, on purpoſe to defeat the repeal of patronages. This conduct oftener flows from a *factious ambitious ſpirit*, than from real love to our country. But 'tis hoped the friends of the adminiſtration will ſeriouſly conſider the danger to the country from ſuch continual ferments; the terrible evils to be feared from the patronages when they come to take effect without oppoſition; the corruptions of the clergy, and the neglect of religion and ſobriety of manners among the people, when unreſtrained by a clergy, grown deſpicable or hateful to them; and the advantages which would accrue to the body of the gentry from obtaining their old right again; while yet the patrons, if they are men of eſtates in the pariſhes, would ſtill have an influence almoſt equal to patronage, of a more neighbourly and gainly ſort. If theſe things be well conſidered, and repreſented to the miniſtry by thoſe who ſtand well with them, ſuch applications could not well want ſucceſs.

At the quarterly meetings of the ſhires, are there none on the court-ſide, who have ſuch regard for their country and church, as to concert proper repreſentations or petitions about this matter? Muſt every thing popular, every motion in favour of the country, of the

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body of the gentry, of the church, ever take its riſe among gentlemen diſaffected to the adminiſtration?

I might mention many other conſiderations to ſhew that it is of conſequence to gentlemen to countenance the clergy of Scotland more than they do; to improve their condition; to chuſe men of learning and manners. Moſt gentlemen are ſolicitous to have their ſons ſober and virtuous; and yet where religion, and thoſe employed in religious offices, are ſo generally neglected and deſpiſed, the young gentry will ever look upon ſobriety, and virtue, and piety, as qualities neceſſary only in the mob, or the teachers of the mean populace.

Were clergymen pleading for more power, or great augmentations of their livings, by burdening further the gentlemens eſtates, the laity ſhould be on their guard. But when the point aimed at is the enlarging the power of the body of the landed gentlemen, it is ſtrange that any of the gentry ſhould oppoſe them, or refuſe their concurrence, except thoſe few who have great patronages themſelves.

The direct pleading for patronages in Scotland is ſo odious to all men of piety, that not one of the clergy, not a King's chaplain, or *politician-clergyman* among them, dared to open his mouth in favour of them in their aſſemblies or ſynods, how much ſoever ſome ſuch are ſuſpected to favour them ſecretly, through confidence in their court-favour; in hopes to get regal preſentations to couſins and tools of their own. All honeſt men among the clergy abhor them; though the high ſpirit (I call it ſo rather than pride) of ſome of them makes them lie by, out of indignation that ſome weak hot men have got a greater following among the populace, and greater influence in ſynods and aſſemblies. I hope good and wiſe men will conquer this low reſentment, and be no longer inactive in ſo good a cauſe, the ſucceſs of which is their hearts deſire and prayer to God; though they ſhould not have the glory among the populace of any ſucceſs which may enſue, or of any honeſt efforts whether they ſucceed or not. A faithful repreſentation from ſome of the wiſer and calmer men in the church, would contribute much more to advance the deſign than the clamours of multitudes.

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RESOLUTION

OF THE

GENERAL ASSEMBLY

OF THE

CHURCH of SCOTLAND,

Upon the Report of their Commiſſioners ſent to London to endeavour the repeal of the act 10*mo Annæ*, reimpoſing patronages.

Edinburgh, May 22. 1736.

THE General Aſſembly having taken to their ſerious and deliberate conſideration, the report of the commiſſioners from the laſt General Aſſembly ſent to London, to apply for redreſs of the grievance of PATRONAGE; and that in order to deliberate what reſolution was proper for this aſſembly or this church to take, as to their future conduct with relation to this grievance; did thereupon agree upon this opinion and reſolution, That the church of Scotland is, by her duty and intereſt, obliged ſtill to perſiſt in uſing her beſt endeavours, from time to time, to be relieved from the grievance of patronage, until the ſame ſhall, by the bleſſing of GOD, prove ſucceſsful; and, for that end, that this aſſembly ſhall impower and direct the commiſſion to be appointed by them, to make due application to the King and parliament for redreſs of the ſaid grievance, in caſe a favourable opportunity for ſo doing ſhall occur during the ſubſiſtence of that

commiſſion. And this aſſembly doubts not, that future General Aſſemblies of this church will, from time to time, be watchful and attentive to this weighty concern, and will not fail to make the like proper applications, whenever, by the providence of GOD, a fit occaſion ſhall offer itſelf. And as the intent of ſuch applications are in order to procure to be reſtored to this church a valuable right and privilege ſhe was poſſeſſed of at the *union* of the two kingdoms; ſo the grounds and reaſons of the claim of this church to be reſtored to the enjoyment of that right, are ſo ſtrong and pregnant, that, notwithſtanding the unſucceſsful event of the late applications, this Aſſembly cannot but hope, that ſome like application, renewed at a proper ſeaſon, will prove ſucceſsful: And in order to ſet forth ſome of the reaſons of their hopes, and to direct their commiſſion as to the manner of ſuch application, if they ſhall ſee cauſe to make any, the Aſſembly has reſolved and agreed, that the grounds of this church's claim for the redreſs of the grievance of patronage are, among others, theſe following:

That in the declaration of the eſtates of the kingdom of Scotland in April 1689, containing the *claim of right*, and the offer of the crown to their Majeſties King William and Queen Mary; it is, among other things, for vindicating their ancient rights and liberties, declared, That *Prelacy* in the church has been a great and unſupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people ever ſince the reformation, and therefore ought to be aboliſhed.

That, in purſuance of this *claim of right*, ſeveral acts of parliament were made ſoon after the late happy REVOLUTION, comprehending the eſtabliſhment of this church in its doctrine, worſhip, diſcipline, and government; and particularly by the fifth act paſſed on the 7th of June 1690, *ratifying the Confeſſion of Faith, and ſettling Preſbyterian church-government*, the ſame is expreſsly made in purſuance of the ſaid article in the *claim of right*. And as the ſaid 5th act contains, among other things, an expreſs ratification of the 1ſt act of the parliament 1592, which act, in the cloſe thereof, makes a proviſo for preſbyteries being obliged to receive

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ive qualified miniſters preſented by patrons; there-
ore, in the reviving, renewing, and confirming of
his act, that article thereof relating to *patronages* is
xcepted, and it is declared, That the ſame ſhall there-
fter be taken into conſideration: which ſhews evident-
y, that patronages were not underſtood to be conſiſtent
r agreeable with that conſtitution of this church, which
he legiſlature were then about to eſtabliſh, in purſu-
nce of the *claim of right*, and in compliance with the
nclinations and principles of the generality of the
eople in Scotland.

That accordingly, ſoon after this 5th act 1690, the
3d act, *concerning patronages*, was paſſed on the 19th
uly, in that ſame ſeſſion of parliament; which annuls the
ower of patrons of preſenting miniſters, and thereby
revents the thruſting miniſters upon congregations;
nd eſtabliſhes another method of ſupplying vacant
hurches, which then became a part of the legal eſta-
liſhment of this church in purſuance of the *claim of
ight*, being a ſupplement to that which was reſerved
o further conſideration by the 5th act 1690; and at
he ſame time a valuable equivalent was given by
hat act to the patrons in lieu of their power of preſent-
ng.

That the eſtabliſhment of this church, which was
hus renewed at the happy *revolution*, was confirmed
nd ſecured in the moſt ſolemn manner at the *union* of
he two kingdoms; particularly by the 6th act 1707,
which confirms the ſaid act 1690, with the haill other
cts of parliament relating thereto, in proſecution of
he *claim of right*: and provides, *that the government
f this church, as eſtabliſhed by the foreſaid acts of par-
iament, purſuant to the* claim of right, *ſhall remain and
ontinue unalterable.* Which act is, by the parliaments
f both kingdoms, ratified, and declared to be *a fun-
amental and eſſential condition of the union in all time
oming*; and which appears evidently to comprehend
he ſaid 23d act 1690, which was certainly one of the
cts, and, next to the 5th act of that ſeſſion, was the
rincipal act of parliament made in purſuance and in
roſecution of the ſaid article of the *claim of right*.

That notwithſtanding the ſecurity of this our hap-

py eſtabliſhment, in all its parts, was as great and as ſolemn as it was poſſible for human laws and conſtitutions to deviſe or execute, yet in prejudice of that ſecurity, as we apprehend, the act in the 10th year of Queen Anne was paſſed, reſtoring to patrons the power of preſenting, and ſuffering them at the ſame time to retain the valuable equivalent which they received by the 23d act 1690. And this act 10*mo Annæ*, it is well known, and always has been declared, was impoſed upon this church by means of perſons of our own country, who were enemies to the *Proteſtant ſucceſſion*, as they ſoon after diſcovered in the ſtrongeſt manner, and enemies to this church by reaſon of her inviolable adherence to that ſucceſſion; and was by them intended to afflict and oppreſs this church, and to create diſcontents amongſt the people therein, and to open a door for patrons arbitrarily to impoſe upon the people, as miniſters, perſons proper for inſtilling into their minds principles of *diſloyalty* and *diſaffection* to the preſent happy conſtitution. Which circumſtance of the *ſeaſon* and *deſign* of impoſing this grievance, which appears to us an infringement on our eſtabliſhed conſtitution, muſt ever afford an additional argument and encouragement in our applications to the royal family now reigning, and whom we daily pray GOD ever to preſerve and proſper.

That accordingly, not long after the acceſſion of his late Majeſty of bleſſed memory, commiſſioners were ſent up from this church to make humble applications to his Majeſty for redreſs of this grievance of *patronages*, and other grievances which this church complained of; which commiſſioners had the honour of acceſs to and audience of his Majeſty, and received a moſt gracious anſwer, "That he was well ſatisfied of the "good affection of the church of Scotland, and "ſhould be glad of an occaſion to ſerve them." And the ſame commiſſioners had likewiſe the honour of an audience of their preſent Majeſties, then Prince and Princeſs of Wales; of whom the former was graciouſly pleaſed to anſwer, "That he would do all he could for "the intereſt of this church, and of this country in "general:" And the then Princeſs was pleaſed to anſwer,

swer, "That she was satisfied of the good disposition "of the church of Scotland to the Protestant succes- "sion, and would not be wanting in what might be "for its advantage." After which there was some- what done for the alleviating of this grievance of pa- tronage, by an act passed in the 5th year of his late Majesty: but by experience it has been since found, that that act of parliament has proved insufficient for giving that relief to the church which we apprehend was intended by it; but on the contrary, as the *grie- vous consequences* of presentations have since that time increased, and are felt very sensibly in many parts of this church, it was justly thought necessary lately to re- new applications to his Majesty; and we think it still most just and fit, upon the first favourable occasion that the providence of GOD shall offer, humbly to apply to his Majesty and the parliament for redress of this grievance, being hopeful that the same may be success- ful when we shall have full access to represent the me- rits of the case, and particularly that this grievance was brought upon us contrary to the establishment of this church, made at the glorious *revolution*, and so- lemnly confirmed and secured as an *essential condition* of the *union* of the two kingdoms.

A candid inquiry into the conſtitution of the church of Scotland, in relation to the ſettlement of miniſters.

CHAP. I.

The act 1690 *the legal eſtabliſhment of the church of Scotland at the revolution.—Its repeal, and the alteration thereby introduced.—The change of ſentiments in many miniſters of the church, with reſpect to the methods of ſettling churches, and in favour of preſentations.—The revolution plan ſtill to be ſtruggled for.*

THE revolution hath ever been juſtly eſteemed, by the friends of liberty, the true æra of its ſolid eſtabliſhment in Scotland. Before that happy period, the ſtruggles for freedom, and for arbitrary government, had been many and violent by the partizans of both ſyſtems; and the ſucceſs had been various. At that great criſis, the ſcales happily turning againſt deſpotiſm, the civil part of our conſtitution was ſettled on the "claim of right;" a well-digeſted plan, wherein all intereſts were conſidered, and a juſt ſolidity given to the whole; doing honour to the illuſtrious patriots who were its authors, and entailing endleſs bleſſings upon ſucceeding generations.

Nor were our religious concerns forgot at that memorable period. Upon no part of the privileges of mankind had greater encroachments been made, by our former oppreſſive governors, than upon thoſe invaluable intereſts. With reſpect to theſe, therefore, the claim of right failed not to be explicit. What had been grievous, was accordingly removed, and declared "intolerable;" and a ſyſtem for eccleſiaſtical government adopted, at once agreeable to the inclinations of the body of the nation, and more ſalutary to the ends of religion: And I confeſs, the more theſe great tranſactions

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actions are reviewed, the more wiſdom is conſpicuous in the whole; the more I revere the memory of theſe our great and good anceſtors who conducted them. I am the more touched with concern, when any part of their excellent fabric is likely to fall; and moſt ſenſibly ſo, when the attempt is made by the hands of thoſe who call themſelves "her ſons."

At the celebrated æra now mentioned, it was found in particular, that — Patronage was "inconvenient, "and ſubject to great abuſe." It was therefore laid aſide, and in its room a new conſtitution, for the ſettlement of miniſters, was thus formed. "Upon a vacancy, the heritors (being Proteſtant) and the elders are "to name and propoſe the perſon to the whole congre-"gation, to be either approven or diſapproven by "them; and if they diſapprove, the diſapprovers to "give in their reaſons, to the effect the affair may be "cognoſced by the preſbytery of the bounds, at whoſe "judgment, and by whoſe determination, the calling "and entry of a particular miniſter is to be ordered "and concluded."

Such was the equitable and liberal plan ſettled by our wiſe fathers, as the foundation and rule of government, in this moſt eſſential point, affecting in turn every individual within the kingdom. By it many evils and inconveniencies, which, in former times, had been matter of complaint, were avoided. Patrons themſelves, by other parts of the ſtatute, had an equivalent for their titles. All who formerly had, or were now found proper to have intereſt in calling of miniſters, are brought in, ſuitable conſideration given to each, and the whole adjuſted with conſummate prudence.

To ſupport and recommend this ſyſtem, is the intention of the preſent eſſay; a ſyſtem, which, on account of its intrinſic value, and becauſe of its eſſential connection with the conſtitution eſtabliſhed in our favour, is well entitled to the higheſt eſteem from us; and for which we have the faireſt plea, if ever the legiſlature, taking the diſtracted ſtate of our church and nation into conſideration, would reſtore us to our former happineſs and union.

The author of the "Obſervations on the overture "propoſed

" propoſed by the aſſembly 1768 concerning patron-
" age," to whom we will often have occaſion to pay our reſpects in this treatiſe, admits, p. 7. " That the " act 1690 is one of the plans propoſed for ſettling mi-
" niſters by the enemies of patronage;" but adds, p. 51. " The utmoſt length the argument from the treaty " of union could poſſibly go, would be to reſtore the " force of this act, without the variation of a ſingle " circumſtance; an object which our modern reformers " do not ſeem to have in view." So far this is true, that it is upon that ground our juſt plea ſtands, in order to put us in the ſame ſituation we were in at the unalterable union. But it is not true, that the great body of thoſe whom he ſcornfully calls "our modern reformers," would not be pleaſed with this, as he affirms *. Incomparably rather would they have it, as it ſtands, the mode of ſettlement, than patronage; and they ever conſider it as the baſis of what they ardently deſire as the eſtabliſhed rule of calling miniſters. Objections have been made, and admitted by many, againſt it, from the too general deſcription of the electors in the ſtatute; and if, with its re-eſtabliſhment, a more accurate definition were given of thoſe entitled to vote, in order to deliver us from the tricks of party and the uncertainty of law, it would anſwer the utmoſt wiſhes of the great generality of the oppoſers of patronage, and of the true friends to the proſperity of our church.

It is confeſſed, that this act was not, when made by the legiſlature, adopted by the church as her own ſtatute. But it is equally certain, that it was planned by her friends in parliament, in ſtricteſt concert with the wiſe miniſters and elders who at that time directed her counſels. Prudence juſtly dictated the propriety of cautious conduct upon this point at that period. The numbers of miniſters were then but comparatively ſmall, and the experience of former times had taught them, how difficult it was to find a perfect unanimity in every article connected with this delicate ſubject. At that time too they were encompaſſed with many enemies, ready to exaggerate, and take advantage of every dif-

* p. 7.

ference

ference among them. Rather, therefore, than immediately hazard the conſequences of a preciſe definition themſelves, they prudently choſe to receive and adopt this very ſenſible conſtitution of the ſtate, as their unvaried rule of judgment in all ſettlements; thereby giving it equal force in the way of common law, as it could have received, had it been their own ſtatute*.

This was that envied conſtitution, which, during its ſubſiſtence, rendered our church happy and flouriſhing. According to it our judicatories ruled, were acceptable to, and poſſeſſed the confidence of all the well-affected in the nation. This therefore our adverſaries ceaſed not in their endeavours to overturn. So early as the 1703, they diſcovered the evil they had meditated againſt us in this matter, by preparing a bill to be preſented to parliament, in order again to bring upon us the hated yoke of patronage; as we learn by a publication of that date, by a lawyer and member of parliament, entitled, *Reaſons in defence of the ſtanding laws concerning the right of preſentations, to be offered againſt an act (in caſe it be) preſented for alteration thereof.* However, for that time the project proved abortive. It was after we thought ourſelves unalterably ſecured in this, as in all our other privileges, as a church, that men equally enemies to the houſe of Hanover, and our proſperity, coming into power, in the end of Queen Anne's reign, perfected their deſign againſt our peace, by reſcinding our favourable law 1690, and reſtoring the power of patrons. Too well knew they where to afflict us; and what miſerable conſequences this unhappy meaſure hath produced, our preſent diſtracted ſtate but too loudly proclaims.

It were not, perhaps, preciſely the truth, if we ſhould impute to our avowed adverſaries the envious

* As ſoon, however, as the church gathered ſtrength, the aſſembly agreed upon overtures at large upon all the points of diſcipline, which in the affair of ſettlements had expreſs reference to the act 1690. See aſſembly overtures 1696.—Theſe again were revived in 1719; and did then not paſs into ſtatute, only on account of differences amongſt miniſters upon other points contained in the overtures; ſuch as the negative claimed by miniſters in ſeſſions, *&c.* See controverſy of Mr Anderſon in Glaſgow with others, in many pamphlets wrote on that occaſion.

hope

hope of ſeeing us deſtroy ourſelves, by patronizing this their intended engine of our ruin. Nothing, it is likely, could appear more incredible to them, than that Preſbyterian miniſters could at any time be induced to adopt and purſue meaſures, ſo big with miſchief to the church's peace, and which they had ſo long and univerſally held in deteſtation. It is more probable, the deſigns of our enemies were, both in 1703 and 1711, founded upon another plan: that is, by means of patronage to introduce into the church, men the moſt tractable to their own ultimate and darling object, *the reſtoration of Epiſcopacy and unlimited prerogative*. Nor was this ſcheme ſo ſecret, but that it tranſpired. In 1703, the period already aſſigned for the firſt opening of the deſign by the party in the Scotch parliament, then called cavaliers, Mr Meldrum, a miniſter of great conſideration, in his printed ſermon before the parliament of that year, declares, upon the propoſal of reſtoring patronages, that the plan was "thereby to ſay "to us, as in Ezra iv. 2. *Let us build with you*; and "Neh. iv. 11. *They ſhall not know nor ſee till we come in "the midſt of them.*" And who knows not the deſigns and power of the Tories in 1711, and of our Scotch ones in particular? Many patronages were then in their gift; and many expedients would have been fallen upon, under the favour of the patronage-act, to have introduced their friends into the miniſtry, if the Queen's death, and the event of the rebellion 1715, had not been fatal to their party. Aware of the danger, the church ſaw it neceſſary, in 1711, to make her formula, to be ſubſcribed by intrants into churches, more preciſe in reſpect to Preſbyterian government, than formerly, in order to guard againſt falſe brethren, in that view, coming into her boſom.

But, alas! while men are influenced by the common paſſions of men, power will be the object of their ardent ambition. — When acquired and unbalanced, whoſe are the hands in which it will not be abuſed? It is chiefly at ſome grand criſis, like that of the revolution, that mankind juſt emerged from the depths of bondage, and thereby taſting the ſweets of liberty in full reliſh, can be induced to ſubmit to the ſelf denials

of power. When the tide abates, even the lately injured by oppreſſion, finding the power in their own hands, can forget their own or their fathers complaints, and in their turn ſhew, that they are not proof againſt the ſpirit of encroachment. In ſuch caſes, it not ſeldom happens, in the language of a great writer, "that "they who want an excuſe to begin, will want none to "continue, and complete the tragedy of their country. "Old men will outlive the ſhame of loſing liberty, and "young men will ariſe, who knew not that ever it exiſted." How applicable is this to us, with regard to the point now in queſtion? That our open adverſaries ſhould have ſtruggled, and uſed their power when acquired, to deſtroy our free revolution-eſtabliſhment in ſo great an article, is not ſurpriſing. But after the ſucceſsful efforts of our fathers for this ſettlement, and, when overturned, their vigorous applications again for its reſtitution, that time ſhould have produced amongſt us, their ſons, ſuch a ſpirit againſt the liberty enjoyed under it, nay ſuch an ardour for bondage, as patronage hath ever been deemed and felt to be by Preſbyterians in paſt ages, is indeed amazing!

The preſent prevailing notions in favour of patronage amongſt us, were not, however, ſuddenly adopted, nor at once explicitly declared. It hath happened in this, as in many other inſtances, where free conſtitutions have been changed, and deſpotiſm hath triumphed over the liberties of mankind, that men have been found to riſe up in ſucceſſion, and gradually to carry on the arbitrary deſign till accompliſhed: proceeding to ſteps, which their predeceſſors would not, nor durſt have adventured upon; until, numbers and ſtrength being increaſed, and oppoſition wearied and worn out, what at firſt was more cautiouſly and imperfectly diſcovered, is at laſt openly and boldly avowed.

That, by the miniſters and other members of this church, patronage, when reſtored in Queen Anne's reign, was underſtood to be oppoſite to her very conſtitution and principles, and in many reſpects of moſt unfriendly aſpect to the true intereſts of religion, the ſeveral papers printed in this volume demonſtrate;

ſtrate; nor can it with truth or modeſty be denied *. At the ſame time, it is to be obſerved, that neither then, nor long afterwards, was it pretended, that the church-judicatories were under any obligation to ſettle preſentees, in oppoſition to their own rules of admiſſion; that is, without a call from the congregation, in

* The author of Obſervations on the overture, when giving reaſons why the patrons did not receive the payment ſtipulated for their rights, ſays, (p. 49.) "That probably they conſidered "the repeal of patronage as injurious to their rights, and pru-"dently concluded, that it was more eligible to lie in wait for "a proper opportunity of procuring the revival of the old ſta-"tutes, &c." But this is mere conjecture. It is admitted, that the Jacobite patrons never were diſpoſed to part with their rights; but the Whigs willingly yielded them at the revolution; and many preſentations were with them. The writer of this eſſay has ſeen original letters from a noble Lord, who, giving an account of the tranſactions concerning the act 1690, ſays, "the "repeal of patronage met with no oppoſition but from a very "few," (and there were even in that parliament ſome diſaffected members); adding as his own reflection, "which I cannot "underſtand, unleſs they mean to eſtabliſh ſimony."—As to the patrons "lying in wait for a proper ſeaſon of procuring a "repeal," if ever there was a proper ſeaſon for that end, the time of the union was the proper one for putting in their claim; as after that no expectation could be "juſtly" formed for ſucceſs in ſuch a deſign, becauſe "then" the act 1690 was univerſally underſtood to be one of the church's privileges, for ever confirmed to her by that treaty. Nor was it from reaſon or law, that this act was afterwards repealed, and patronage reſtored, nor from any concerted addreſs of the patrons, but merely by the prevailing power of the old diſaffected party againſt the Preſbyterians in Scotland, and the revolution-intereſt. See Biſhop Burnet in his hiſt. *ad an.* 1712.—Our author indeed ſays farther, p. 50. "That at that period the ſenſible people of this country "were of opinion that patronage was the only ſyſtem that could "preſerve peace and order in ſettlements." It is hard to ſay that this is the "only" ſyſtem that could ſecure that good effect. Is there no peace nor order preſerved in foreign churches by other models, where patronage has no place? If any among us imagined ſo, ſurely they did not judge very ſenſibly, as our endleſs diviſions, by means of patronage, ſhew at this day. But how can this, as a fact, be aſſerted in face of the unanimous repreſentations of the whole body of the Preſbyterians at that time, and their ſhewing, that any diviſions that had happened under the act 1690, were moſtly by means of the diſaffected, in their never-ceaſing endeavours to give all poſſible diſturbance to the judicatories in ſettling Preſbyterian miniſters in pariſhes where they had influence? See *Account of lay-patronages*, &c. If Jacobites and ſenſible men were "then" convertible terms, and Preſbyterians not ſo, this aſſertion is true, but not otherwiſe.

terms of the act 1690. Therefore when a preſentation was produced, they appointed and conducted moderations according to that plan; and then, according to the powers they knew the legiſlature had veſted in them, with regard to the admiſſion of miniſters to particular congregations, judged and determined.

Conſcious of theſe prevailing principles, and this conduct of the judicatories, it is within remembrance, that preſentees framed their letters of acceptance very reſpectfully, full of acknowledgment of the grievance of patronage; of the neceſſity of a call in order to eſtabliſh a paſtoral relation; of an unreſerved ſubmiſſion to church judicatories in judging; and the neceſſary willingneſs to accept, wrapt up, in as inoffenſive language as poſſible, in ſome cautious corner. In thoſe days the ground was more hazardous than now, and muſt be trod tenderly. Inſtances, as in the caſe of Mr George Blaikie, are not wanting of a deprivation of a licence, for a bold unqualified acceptance, and defence of it. However, after many hard ſtruggles, ſome narrow deciſions, through great intereſt, and much ſolicitation, took place. By degrees the meaſure gathered ſtrength; and acceptances of courſe, keeping pace, became leſs ceremonious. Inſtead of a call, *a ſufficient concurrence*, a new phraſe, was deviſed, and prevailed, as only neceſſary to a ſettlement; until at laſt, in the unhappy progreſs of this affair, preſentations are no more talked of as a grievance by many, their abolition wiſhed for no more. On the contrary, our ears are now aſtoniſhed to hear Preſbyterians declare, that in themſelves they are the moſt eligible method of ſettling churches; — that they are the only calls the law knows;— and, in face of all the ſcripture and our conſtitution teach with regard to eſtabliſhing a paſtoral relation between miniſters and their flocks, and in face too of what our law clearly allows to judicatories in relation to admitting or declining to admit paſtors to congregations, aſſert, that a preſentation and willingneſs to accept is all that is neceſſary to a ſettlement; preſbyteries, after trial, being indiſpenſably bound to admit and collate.

Nothing

Nothing can ſhew more certainly, or in a ſtronger light, this change of ſentiment in our judicatories, than a recollection of the tranſactions of the year 1732. It was then repreſented by thoſe who had the lead in our church-affairs, that, when they made private application to the miniſtry, for the removal of patronage, the anſwer was, "Agree among your-"ſelves on a fixed rule of ſettlement, and then you "may be hearkened to." Flattered with this promiſe, many exerted themſelves; and, after much trouble, the act of aſſembly 1732 took place. But ſettlements by crown-preſentations in 1733 being carried higher than ever, this, together with other objections which from the firſt had been made to that act, produced its abrogation in 1734. The party who had conducted and ſupported it, were then called *moderate men*, none profeſſing to carry a ſubjection to preſentations farther than in agreeableneſs to the terms of that act. But what hath now happened? That which was then univerſally called *moderation*, is now denominated *wildneſs*. A party hath now ariſen who declaim againſt every one, who in any degree would make a call, or even a concurrence neceſſary to a ſettlement, or give any conſideration whatever to the ſentiments of a worſhipping congregation; who lay it down for a maxim, "That every preſentee ſhould be "ſettled who is found qualified by the preſbytery, "and againſt whoſe life or doctrine no proof of any "relevant objection is led *."

This is aſſuming a tone with regard to patronage, wholly unknown in former ages of the church of Scotland, and which no *moderate men* in 1732 would have preſumed to have whiſpered.

To this height things have gone on rapidly for ſome years paſt. The old notions concerning ſettlements among Preſbyterians, have been laughed at; — oppoſition from theſe principles borne down with contempt and ſeverity; — remonſtrances in the view of alarming and increaſing ſeparations neglected as of no moment; — repreſentations, however modeſt and reſpectful, of the neceſſity, upon every principle, of the conſent of a

* See Obſervations on the overture, p. 17.

worſhipping congregation, in order to form a paſtoral relation between a Chriſtian miniſter and his people, altogether deſpiſed;—the true principles of our reformers upon this ſubject denied;—the conduct of the church, in her various periods, ſet in ſo falſe a light, and violence in ſettlements carried on with ſo unrelenting a hand, that, for ſome time paſt, while the friends of patronage were ſanguine in the hope of the near accompliſhment of all their wiſhes, that every ſhadow of oppoſition to preſentations ſhould ceaſe, and their cauſe be perfectly triumphant; thoſe in the miniſtry who retained a reſpect for our original principles of reformation as to ſettlements, had it almoſt only left them in ſilence to regret, that their future ſtruggle would be vain, unleſs the landholders (rouzed from that lethargy into which they had too eaſily and unwarily been lulled, when this meaſure at firſt was puſhed, as if all the intention was to bear down popular calls in their favour, by their now experiencing that patrons are ſolely conſidered in the ſettlement of miniſters, and they ſo overlooked, as frequently not even to be gratified with the civility of a letter, deſiring their concurrence with the preſentation) ſhould at laſt interpoſe, and give their aid to bring things back to the revolution-ſettlement, ſo favourable to liberty and to them.

This expectation hath in ſome meaſure, of late, happily taken place. Not a few gentlemen, ſenſible of their annihilation as to influence, in a point often of ſo near concern to them, and at the ſame time obſerving the growing miſchief to the country by multiplied ſeparations, through the violence with which preſentations are puſhed, have at laſt diſcovered a diſpoſition to mitigate this rigour, and to reſtore things to a better temper.

It is no ſecret, that church-reformations have ſeldom taken their riſe, or been much promoted by clergymen. To the laity, almoſt in every inſtance, hath the world been indebted for them. All hiſtory aſſures us of this intereſting fact; and lately have we been well inſtructed upon it by Dr Robertſon *, who, at the period of the reformation, moſt juſtly obſerves, "That the reformers ap-

* Hiſtory of Scotland, vol. i. p. 167. 8vo edit.

"plied

" plied — to a convocation of the Popiſh clergy, but " with the ſame ill ſucceſs, which hath always attended " every propoſal for reformation, addreſſed to that order " of men.—The corruptions of a ſociety, recommended " by utility, juſtified by univerſal practice, are view- " ed by its members without ſhame or horror; — and " reformation never proceeds from themſelves, but it " is always forced upon them, by ſome foreign hand. " Suitable to this unfeeling and inflexible ſpirit, was " the behaviour of this convocation in the preſent con- " juncture; all the demands of the Proteſtants were re- " jected with contempt." Not more true is this obſervation upon the Romiſh clergy, in their days of power, than it is now with reſpect to our preſent eccleſiaſtical rulers, in their treatment of every complaint under the preſſure of patronage.

With thankfulneſs therefore is the obligation acknowledged, to thoſe gentlemen of the laity, who of late have ſtood forth in our aſſemblies, to ſtem the tide of this oppreſſion; and upon the ſtedfaſt continuance of whoſe public-ſpirited aid, does the hope of ſucceſs, of having our church-affairs brought to a more comfortable ſtate, in a great meaſure depend. So far, however, are the friends of patronage from thinking of, or wiſhing for the leaſt relief from our calamities on this point, that they make it a propoſal, " That it be recom- " mended by the aſſembly to all members of this church, " to ſend up no more overtures upon this ſubject *;" that is, for a deliverance from patronage. Not from them, therefore, but from the laity, is this happineſs to be looked for.

The affair is grave and weighty, and the ſeaſon critical. A ſtand is now made to ſtop the courſe of violence; and if it fails, it may be expected to happen to us, as in other impotent attempts againſt prevailing power, that it will only eſtabliſh it the more firmly. Too applicable to our preſent ſituation is the acute obſervation of a celebrated politician †: " That the beſt-inſtituted govern- " ments, like the beſt-conſtituted animal bodies, carry " in them the ſeeds of their own corruption; every

* Obſervations on overture, p. 28.

† Lord Bolingbroke's idea of a patriot-king, p. 120. & 34.

" hour

" hour they live, is an hour they have leſs to live. All " that can be done therefore to prolong the duration of " a good government, is to draw it back, on every " favourable occaſion, to the firſt good principles on " which it was founded. This may be done in a " certain time; but when theſe principles are worn out " of the minds of men, it is a vain enterpriſe to renew " them. — In the courſe of a long adminiſtration, the " deſcent to degeneracy is inſenſible, and there is no " reaſcending without vigorous efforts. Theſe every " conſideration, our country, liberty, and religion call " for, that no endeavours of ours be wanting to repair " the breach that is made, and is increaſing daily in " our conſtitution.—Let it be our honour then, and " that of the new generation ſpringing up, that our " happy [church] eſtabliſhment do not degenerate into " [eccleſiaſtical] deſpotiſm, and its correlate, ſlavery, " with the appearance of being free. It is a difficult, " it is a noble attempt, worthy for which the greateſt " talents ſhould be exerted, and purſued with cou- " rage.

" ——*Deus hæc fortaſſe benigna*
" *Reducet in ſedem vice.*" ——

Things, it muſt be confeſſed, are far gone with us, as to the degeneracy from our true conſtitution and church-principles; yet let not deſpair enervate us. Though the contagion is too general, yet let the real lovers of our church remain untainted, and keep the ſpirit of liberty alive in as many breaſts as poſſible;— argue with the boldneſs truth inſpires, proteſt againſt what we cannot hinder, and claim on every occaſion the privileges to which we are entitled. Who knows what ſteadineſs in the path of truth and freedom may at laſt produce, through the divine bleſſing, upon honeſt and generous efforts? To forward this ſpirit, is the intention of this publication: which the author means to carry on with perfect candour; and he is not without ſome humble hope, that by it ſome new light will be thrown upon this intereſting ſubject.

CHAP.

CHAP. II.

Of the riſe,—progreſs,—and effects,—of patronage; and the peculiar hardſhips the church of Scotland is ſubjected to by it.

TO enable us to form the diſtincter notion of patronage, it will be fit to give ſome attention, in the firſt place, to the origin, the advances, and conſequences, of this conſtitution, ſo apparently foreign to all ideas of ſettling miniſters in Chriſtian congregations, according to the ſcriptures.

The word of God, by Proteſtants, is eſteemed the perfect, the only rule for every thing that belongs to ſalvation. This is the baſis of all their profeſſion of Chriſtianity, in that hope. Churches and miniſters, therefore, which, according to it, are expreſsly declared to be inſtituted to promote that end, ought to be formed according to the models therein preſcribed. None will pretend, that the moſt remote hint of patronage is there to be found; nor can it be ſaid, that all the purpoſes for which miniſters were intended, were not attained by other methods of ſettlement, long before patronage had a name among Chriſtians.

Some very eſſential reaſon, therefore, muſt neceſſarily be aſſigned, to ſupport the introduction of this mode of providing paſtors to Chriſtians, and to juſtify the fond zeal of many friends for its continuance.

Nor are they deficient in ſetting forth what they think deciſive on this ſubject, both with regard to the imperfection, nay perniciouſneſs of the methods which the ſcripture points out, or which have been in uſe among the firſt Chriſtians, or other churches, where patronage does not exiſt; and by ſhewing the high and ſuperior excellence and utility of this ſyſtem. Our preſent buſineſs is with the laſt of theſe. What concerns the former, will more properly fall to be conſidered hereafter.

The author of Obſervations on the overture, lays his foundations for preferring patronage above all other methods of ſettling miniſters, at large from p. 33. to 36. of his pamphlet. He obſerves, "that the found-
"ers of civil or religious ſocieties merit reſpect from
"their

" their ſucceſſors. — But if inſtitutions adopted by " them, are either not founded on divine authority, or " valuable in their own nature, poſterity is under no " obligation to pay any regard to them. — That the po- " licy of infant ſocieties is rude and undigeſted, and " does not reach any degree of perfection, but by a " gradual and almoſt imperceptible progreſs through a " ſucceſſion of ages." This beginning of his deduction for eſtabliſhing patronage, may ſeem very extraordinary to Chriſtians, who read, in their ſcriptures, nothing more expreſsly taught, than the inſtitution of churches and their miniſters; and therefore muſt ever eſteem them, and what concerns them, to be divinely appointed. To ſet this aſide, in order to put all that belongs to the forming that church which the Son of God had purchaſed with his own blood, upon a footing with the legiſlators of this world in their embryos of ſociety, is a compliment to our LORD and his ſcriptures indeed!

For ſome time paſt, we know, it hath been the favourite topic of our modern philoſophers, and the gentlemen *de fort eſprit*, by excluding revelation from having been of any advantage this way, to aſcribe all the improvements of mankind " to the progreſs of ſociety:" but that Chriſtianity itſelf is indebted for its deliverance from its " firſt rude and undigeſted policy," and its reaching any degree of perfection, is rather a new and high ſtroke. Nor is the ſtrain leſſened, when it is conſidered, that this degree of perfection in the Chriſtian church was, as we ſhall ſee, attained by indeed " ſlow and im- " perceptible progreſs through a ſucceſſion of ages," only in the church of Rome; and was one of her happieſt engines to complete her conſpiracy for domination over all men. So that Chriſtianity, it would ſeem by this author, ſtands obliged for deliverance from its firſt rude and undigeſted policy, not only to the wiſdom of ſucceſſive ages of men, but even to Antichriſt himſelf.

To get rid of any thing like divine inſtitution in the ſettlement of miniſters, he cites, as ſufficient for his purpoſe, Moſheim's church-hiſtory, vol. 1. p. 45. as ſaying, " It ſeems now to be pretty generally agreed, that " revelation hath not clearly determined any thing re-

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" lating either to church-government in general, *or* " *the ſettlement of miniſters in particular.*" Our buſineſs is not now with the firſt part of this paſſage, otherwiſe it ſhould receive its anſwer. But how amazing is it with regard to the laſt, (" the ſettlement of miniſters " in particular," our preſent queſtion), that there ſhould not ſo much as a veſtige be found in the place referred to in Moſheim, but is wholly the invention of this author! Nothing can be more unhandſome or injurious to the public than ſuch falſehood. Nothing more ſo to Dr Moſheim, who in that very paſſage has aſſerted the direct oppoſite opinion; arguing thus: " If," ſays he, " it " is true, that the apoſtles acted by divine inſpiration, " and in conformity with the commands of their bleſſed " Maſter," (what Chriſtian will call this in queſtion?), " then it follows, that that form of government, which " the primitive churches borrowed from that of Je- " ruſalem, the firſt Chriſtian aſſembly eſtabliſhed by " the apoſtles themſelves, muſt be eſteemed of divine " inſtitution." And with reſpect to the people, p. 45. " They were undoubtedly the firſt in authority; for " the apoſtles ſhewed by their own example, that no- " thing of moment was to be carried on without the " conſent of the aſſembly;" citing Acts i. 15. & vi. 3. reſpecting the election of church-officers; and Acts xv. 4. & xxi. 22. for other concerns.

It was therefore, adds he, " the aſſembly of the " people which choſe their own rulers, or received " them by a free and authoritative conſent when recom- " mended by others." After this Dr Moſheim or any other author may be cited for what this writer pleaſes; and as he produces no other proof of his poſition, " That revelation hath not clearly determined any " thing relating to the ſettlement of miniſters in parti- " cular," we ſee the amount of his demonſtration.

After this ſucceſs in getting clear of revelation aſcertaining nothing concerning this matter, as if now government and the election of Chriſtian miniſters were left to his *own* diſpoſal by God; his next attempt is, after ſhewing that the method of ſettlement, which, as we have ſeen, Dr Moſheim gathers from ſcripture, and which, he himſelf admits, obtained in the firſt ages of Chriſtianity,

Chriſtianity *, was intrinſically bad, and ſubject to many exceptions; he next attempts to eſtabliſh his favourite ſcheme of patronage, as the perfection to which the wiſdom and experience of ſucceſſive ages hath brought the ſettlement of miniſters, by aſſerting the connection between the public endowments to ſupport the miniſtry and it: and having applauded theſe endowments as "pious works †," ſays, "The rights of patronage "were with great juſtice beſtowed on theſe benefactors "of the church ‡." He ſpeaks doubtfully of the period when this important event happened in Chriſtianity, but aſſerts it was eſtabliſhed in the Roman empire in the ſixth century; and afterwards, more groſsly in point of truth of hiſtory, that "patronages are nearly "as ancient as eſtabliſhments in favour of Chriſtiani-"ty ‖;" and that theſe rights were founded "original-"ly on the moſt honourable and juſt principles."

As this repreſentation, ſuppoſing it to be true, may, to the inattentive and uninſtructed in this point, appear ſpecious and reaſonable; it is fit to attend to it with ſome preciſion; whereby its falſehood and ineptneſs to the purpoſe for which it is adduced, we doubt not, will be fully evinced.

Many have treated this ſubject of patronage very copiouſly. One of the lateſt, moſt learned, and moſt accurate authors upon it, is Boëhmer, in his *Jus eccl.* whom any that pleaſe may conſult, and find it largely diſcuſſed in *tom.* 3. *p.* 462. *& ſeq.*

He aſſigns three periods in the Chriſtian æra, that belong to a juſt conſideration of patronage.—Aſſerts, That, in the fourth and fifth centuries, preſentations had not ſo much as a name in the Chriſtian church;--nay, that even in the ſixth, and in the ſeventh, though it had a name, it imported quite another thing, than the power of nominating a clerk to a pariſh, by him who had endowed it, or built a church for worſhip:—That after the empire became Chriſtian, by the countenance and example of the emperors, many great endowments were made:—That they who endowed were allowed indeed to be adminiſtrators and "patrons" of what they doted:—That this was the meaning of patronage in the intro-

* Obſ. p. 34. † Ib. p. 35. ‡ Ib. p. 35. ‖ Ib. p. 54.

duction

duction of that word into the Chriſtian church; and when it occurs in writings and laws in the ſixth century, it only means advocates and protectors of the funds that were bequeathed for religious purpoſes, and that with regard to them, nothing ſhould be done againſt the will of the donor.—That this practice begun with monaſteries, and theſe being for laymen, the biſhops therefore ſtruggled leſs at firſt againſt this power.—But with reſpect to churches, they were not ſo tractable. By this time (the ſeventh century) they had great power, and would admit no founder to do any thing in their erections, "without their conſent;" and even when they were at all conſidered, it was only with regard to the lower clergy, prieſts and deacons. But as to "biſhops" (and to them were the great endowments made), long even after this, they were ſtill choſen by clergy and people. In the ſixth century (*Conc. Aurel.*), it was eſtabliſhed, that all churches were in the power of the biſhops, in whoſe territory they were built; plainly denying the patronage, in our ſenſe of it, to the founders. And only (*in Conc. Alet.*) it was allowed to "a biſhop-founder," to ſettle a clergyman. Pope Gelaſius, in 490, gave to a builder of a church, no more *niſi proceſſionis aditum*, (Boëth. p. 472.) Afterwards (*Conc. Toled.*) it was eſtabliſhed, that if the founders were reduced to poverty, they were to be entitled to a ſupport from the endowment, but to no preſentation of a clerk to ſerve.

Nor does this true hiſtory of patronage in its firſt period to the ſeventh century reſt on the ſuffrage of Boëhmer alone; others of great erudition, who have dipt into this queſtion, give the ſame account of it.

It is true, that Grotius, in his book *De imp. ſum. poteſt. circa ſacra*, hath ſaid, that the Gothiſh kings, whether Arian or Catholic, *ſemper electiones in ſua poteſtate habuere:* but Giovani * refuſes this, "by obſerving it will not hold true of the Gothiſh kings, (in the fifth and ſixth century), who made uſe of no other powers, but what had been exerciſed by the emperors both of the Weſt and of the Eaſt. They, as guardians and protectors of the church, and who looked upon her government, and her outward policy

* Hiſt. of Naples, vol. 1. p. 238.

" alſo, to belong to them, believed it was in their " power and incumbent upon them, to regulate the e- " lections by their laws, to cruſh ambition, and remedy " diſorders and ſeditious tumults, and often to prevent " them, to make up diſcords which often happened by " the violence of parties. But they left the *election* to " the clergy and the people, that is, which belonged to " one church; as they did the ordination, to the pro- " vincial biſhops, and metropolitans."

Lord Bankton * refers to this firſt idea of patron- age, when he ſays, That it is " ſo called, becauſe the " church is under the tutelage and patronage of the " patron; and if the origin or inductive cauſe is con- " ſidered, patronage will be found to be introduced for " the great good and advantage of the church. Pa- " trons are frequently, by the Canon law, called the " defenders of the church; for they were to defend it " from intruders." It confirms all this, that the idea, in the firſt introduction of this word into the Chriſtian church, was perfectly conformable to the ſenſe of the word *patronus* in the Roman language; and when ad- opted by Chriſtians, had the ſame meaning annexed to it, and perfectly remote from the uſe it is now applied to.

Here therefore might we juſtly ſtop, and ſay that up- on this ground we ſtand; for we aver, that the author of Obſervations on the overture hath groſsly miſrepreſent- ed the truth in his account of patronage; —in regard that he is highly chargeable, in general, with a " great " illuſion" in hiſtory, with reſpect to the ſubject; by throwing the tranſactions of different and very diſtant a- ges into one, and ſetting them forth in connection toge- ther as the operation of one intention and time; than which no greater deceit can be committed by an hiſtorian: and that, in particular, it is not true, what he reſts his argument upon, that patronage, even in the favour- able, far leſs in the preſent ſenſe of it, was coeval or nearly ſo with the eſtabliſhment of Chriſtianity, by fa- vour of the Chriſtian emperors. Two whole ages almoſt had paſſed after that event, before the very beginnings of patronage in our form of it, which at firſt were incon- ſiderable, as by and by we ſhall ſee, took place; and that

* Inſt. vol. 2. p. 21.

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is a period, during which there are few words or conſtitutions, that do not ſuffer many eſſential alterations; with great caution therefore are things to be admitted concerning them, as of the ſame import, at the end, as in the beginning: and this more eſpecially in ſocieties that reſpect the ſtate of the Chriſtian church, ever ſo fatally ſubject to alterations in its ſituation, through the luſts of men. Neither is it true, that there is any ſuch juſt or honourable connection between endowments and patronage. For ages, the firſt donors never dreamed of it, nor would the then leaders of the church have admitted of it.—The original intention and conſtitution of a Chriſtian church is naturally abhorrent of the very idea, that, as Lord Bankton juſtly calls it, the freeſt ſociety in the world ſhould be ſubjected to ſuch deſpotiſm *. How can a title be called "pious, juſt, or honourable," that undermines the original conſtitution of the ſociety itſelf, over which it acquires this power?—The rights of electors to chuſe members of parliament in Britain, belong but to a civil ſociety, though indeed the privilege is very valuable, as thereby liberty and every other earthly bleſſing, worth living for, are ſecured to us.—But ſuppoſing, in a very degenerate age, any deſigning man beſtowed ſome conſiderable endowment upon a corporation, upon condition of their yielding to the donor the title of nominating their members to parliament, and alſo to have this right tranſmitted to his ſucceſſors, or to whom he pleaſed

* Very ſenſible is the obſervation we find to this purpoſe in a late pamphlet, entitled, "Conſiderations on the right of patronage," p. 5. 6. "It is not material to inquire, whether the right of patronage owes its birth to the uſurpation of laymen, or the policy of "prieſts, in order to encourage the erection and endowment of "churches. He who built or doted a church, muſt have done "ſo from a pious intention; and therefore there could be no danger in allowing him to name the perſon who ſhould officiate in "it; becauſe it never could happen, that the religious donor "would counteract, by the ſettlement of a miniſter, the ends "which he muſt have had in view in erecting a church. But "then ſuch privilege ſhould have been, as lawyers ſpeak, perſonal and untranſmiſſible. For it was apparent, that as ſoon "as it was allowed to heirs by ſucceſſion, or transferred by voluntary and legal alienation, it would come into the hands of "perſons, who, being deſtitute of the piety of the original founder, would have no other end in view, but the proviſion of a "friend or dependent; and, in fact, that ſuch is the end which "patrons commonly now have, and always had in view, is undeniable."

to diſpone it; would ſuch conduct be in itſelf more unconſtitutional, than patronage, as now in uſe, is, againſt the whole ſpirit of the Chriſtian inſtitution as to its miniſters; or would ſuch abſurdly-pernicious conduct merit the titles of liberality, juſtice, and honour?

But upon the fact being evident, that not before the end of the ſixth (yielding ſome years), or rather the ſeventh century, was there any ſuch thing as patronage, in our preſent ſenſe, in the Chriſtian church; with what face can any pretending to Chriſtianity, and the Proteſtant profeſſion of it, mention it as belonging to that religion, otherwiſe than moſt of the abominations of Popery may be, and actually are defended by the Roman Catholics, as genuine parts of it, and that too, by the very ſame means, the "illuſion of hiſtory;" which our author has made uſe of to blind and ſeduce his readers? The ſixth or ſeventh century! what ages are theſe for deriving arguments in favour of any one thing belonging to our religion from? What abominations had not "then" defaced and polluted the whole face of Chriſtianity?

Towards the end of the reign of Henry IV. in France *, "that moſt learned Proteſtant miniſter, Mr "Chamier, being at court, there was much talk of a "conference for the reunion of the two religions. The "King was very fond of it. D' Aubigné was ſent to "Cardinal Perron, who, lamenting the ſchiſm, aſked, "whether there was no means to heal it. D' Aubigné "ſaid, Since you deſire to know my opinion, methinks "Quicciardine's maxim is the beſt way we could follow "in the church; which is, that whenever any ſociety, "which was at firſt well ordered, comes to a decay, it "can never be well reſtored, but by bringing it back "to its original conſtitution.—He therefore propoſed "to take for that, the four firſt centuries. Perron inſiſted only for forty years more beſides the 400; "and that was to have honour done to the lifting the "croſſes, which at that time was done."—Here was a period large enough ſurely, as by that time Antichriſt had made many advances, in the corruption of the genuine truth of Chriſt. Yet if that project had taken

* Laval's hiſt. of the reformation in France, vol. 4. b. 7. p. 470.

place,

place, and been honeſtly followed out, patronages had been infallibly ſwept away; as it is demonſtration, that though before that time Conſtantine had endowed largely, as afterwards other princes and great men did; yet, for more than a hundred years after, the very name of patrons, even in the innocent ſenſe, was not ſo much as known in the church.

Here then we fix, that not before the end of the ſixth, or rather the ſeventh century, when churches and endowments abounded, was patronage known among Chriſtians, and that too, only in an innocent, if not laudable ſenſe, to defend and protect theſe endowments from being torn away and ſpoiled by invaders;---and that the great donors had no idea, in beſtowing their liberalities on churches, to reſerve the leaſt title to nominate biſhops or clerks, far leſs to tranſmit ſuch rights to their ſucceſſors, or to diſpone them to others.

But as the illuſtration of this ſubject may be uſeful, we turn to the obſervation of its actual riſe, which happened, according to Boëhmer's calculation of its ſeveral periods, in its ſecond ſtage, namely, from the 7th to the 12th century. Then he and others admit it to have been more common to preſent clerks, by the rich, to places which they had endowed. But here again it is carefully to be obſerved, that even theſe for long were not "pariſhes," but rather chappels of eaſe, where the prieſts ordained by the biſhops, after "their ap-"probation," ſerved in the families and "villages" belonging to the mortifiers. And every perſon of any literature knows, that, under the feudal conſtitution, "theſe villagers" were reckoned no other than a part of the family of their maſters. So that when we are arrived at the ſeventh century itſelf, there ſtill is, properly, no ſuch thing as patronage appearing; all that at firſt took place of this nature, being only great men naming their chaplains to their own large families. That they were no other, is evident, firſt, becauſe theſe places at which, for the convenience of their lords and patrons, theſe clerks ſerved, were ſtill under the juriſdiction of the mother-churches; and, 2dly, becauſe it was not unuſual for the maſters to put away ſuch clerks at their pleaſure*.

* See Boëhmer.

However, from this opening, it is true, that patronage in a more proper ſenſe did gain ground; not by any general law in its favour; but, as in other caſes of encroaching power, by inſenſible degrees, and variouſly, in different kingdoms.—In the Eaſt particularly, the progreſs was earlier than in the Weſt; and in the Weſt, ſome decrees of councils held, for example, in Spain, ſhew, that that kingdom was very late in receiving preſentations to any great effect *.

Where this new conſtitution took place, the cauſe was obvious. The foundations made by great men being united to the mother-churches, increaſed the revenue of the biſhops; and thence naturally, as an encouragement to endow, greater conſideration was given to the mortifiers to ſettle the future clergy. Yet ſtill great reſerves were kept by the biſhops, who were not

* In proof of the foregoing obſervations with reſpect to the ſenſe in which the word *patronage* was firſt received, we refer to two conſtitutions of *Juſtinian*, which ſtrongly confirm the interpretation now given. In the *Corpus Juris Civilis*, novell. 57. directed to Menna archbiſhop in the year 555, chap. 2. are the following words; "Illud quoque ad honorem et cultum ſedis tuæ "decernimus, ſi quis ædificans eccleſiam, aut etiam aliter expen"dens in ea miniſtrantibus alimenta, voluerit aliquos clericos ſta"tuere; non eſſe ei fiduciam ullam quos vult per poteſtatem, "deducere tuæ reverentiæ ad ordinandos eos, ſed *examinari* a "tua ſanctitate; ſententiaque tua, et qui pontificalem ſedem re"xerit, ſemper hos ſuſcipere ordinationem, qui tuæ beatitudini, "et qui poſtea opportuni videbuntur exiſtere, et *Dei miniſterio* "*digni*, ut non profanentur ſancta Dei, *&c.*"

In novell. 123. cap. 18. anno 541. we read, "Si quis *oratorii* "*domum* fabricaverit, et voluerit in ea clericos ordinare aut "ipſe, aut ejus heredes; ſi expenſas ipſis clericis miniſtrant, "et *dignos* denominant, denominatos ordinari. Si vero qui ab "eis eliguntur, tanquam *indignos* prohibent ſacræ regulæ ordi"nari, *tunc ſanctiſſimus epiſcopus quoſcunque futaverit meliores,* "*ordinari procuret.*"

From theſe paſſages it is obvious, that the light in which *patrons* were conſidered in this early period was only as *protectors*: that they had a power only of nominating perſons to ſerve as chaplains in their houſes of oratory; but that the biſhop was to examine whether the perſon ſo appointed was worthy and fit or not; if unworthy, he could ſet him aſide.

Thus much for the civil law on the ſubject. In the law of England we are told by Mr Juſtice Blackſtone in his commentaries (Introd. § 4. p. 108), That pariſhes, and conſequently patronage, were unknown in that country till the time of Edgar in 970, according to ſome authors; not till the council of Lateran in 1179, according to Hobart. So late was the introduction into Britain, of a practice cried up for its antiquity.

more

more willing to receive the donations, than loath to part with their power of ſettling the prieſts of their dioceſes.

The ages juſtly now marked as the dark ones, were then faſt coming on; and ſuperſtition prevailing, became the proſperous engine of the clergy, for promoting their wealth by donations. Thus Giovani*: "The "worſhip of ſaints (century 7.) produced innumerable "donations. This ſuperſtition is thus traced to its "ſource, by Amiratus. Religion being an account "kept with God, it follows, for different reaſons, that "out of gratitude we ſhould give a ſhare of our goods, "not to him who ſtands not in need of them, but to "his temples and prieſts. How much more then muſt "the offerings increaſe, when there was not only an ac-"count to be kept with God, but likewiſe with ſo many "ſaints, by whoſe interceſſion the faithful expected the "ſame things?"—Donations thus plentifully flowed into the church; and, as a farther inducement to increaſe them, the appearance (for at firſt it was little more) of power in their diſpoſal to thoſe who were to enjoy them by the rights of patronage, was held out, but ſtill granted with as ſparing a hand as poſſible. During this period, Boëhmer ſums up the extent of patronage, p. 485. in noblemens erecting churches near their houſes for the convenience of their families; — that they could call them their churches; — that it was in country-places where ſuch patronage chiefly and ordinarily obtained; — that though they aſſerted certain rights to themſelves from the erection of theſe their own churches, yet their independency was not admitted; nor were theſe reckoned pariſhes, but the patrons and their families were ſtill bound to the mother-churches in cities. The clergy, though they well perceived the advantage and influence accruing to them from this ſpirit of donation, yet had long and hard ſtruggles to preſerve the ſettlements in their own hands; councils made decrees, and reſiſtance was given to every attempt of the laity to ſhare in this power.

So limited indeed was this power in the ninth century, that the celebrated Hincmar writes thus: "Quapropter "quiſque, defuncto preſbytero, in ſua eccleſia preſbyte-

* Vol. 1. p. 238.

"rum

" rum petet, apud quem cum clericum bonum quæſiero,
" ut illi preſbyterum ordinem, ipſe clericum bonum quæ-
" res; etſi bonum mihi adduxerit, ordinabo illum.
" Sin autem, alium requiram; et ipſe tamdiu cleri-
" cum bonum quæret, uſquedum convenientem or-
" dini ſacro inveniet, *&c.*" Great latitude is here reſerved to the judgment of the ordainers, with reſpect to the *idonea perſona*; and this is the conſtant language of the Canon law.

It was not before the twelfth century, that patronage aſſumed its laſt and moſt arbitrary form. By this time the donations were immenſe. The diſpoſal of them, as will always be of wealth, was found to be ſo intimately connected with power, that it became an object not of importance only, but of neceſſity, for princes, in order to preſerve their own influence, to wreſt the power of the diſpoſal of benefices, from the churchmen who hitherto had ſeized it to themſelves. Copious accounts might eaſily be drawn from the higheſt authorities concerning this matter.

Thus Giovani tells us, " The biſhops were ſtill
" elected by the clergy and people, and ordained by
" the popes as formerly. But the princes, as if ſuch
" power had been devolved upon them (N. B.) by the
" people, would have the greateſt ſhare in the elec-
" tions; whence it came, that, by their means, ſome
" being elected, who had neither merit, learning, or
" capacity, the churches were ill governed. — In ſuch
" manner were the elections of biſhops, when the an-
" cient diſcipline of the church, and what the holy
" canons preſcribe, was regarded. Thus alſo by the
" clergy and people ought the election of the biſhops of
" Rome to have been. They had not the emperors of
" the Eaſt or Weſt to obſtruct them in it. But already
" in theſe times, (cent. 7.) the princes had begun to u-
" ſurp the rights of the clergy and people in theſe elec-
" tions; and whether out of fear or complaiſance, the
" perſon who pleaſed the princes, was often elected."
Things were carried thus far in the conteſts before the twelfth century. After that age they went much higher. The ſame author gives a large account of them in his 2d vol. b. 19. § 2. But as it is to the ſame pur-

poſe

poſe in Dr Robertſon's hiſtory of Charles V. *, we ſhall take it from him. It is in this manner: "The "biſhops of Rome having early put in a claim, the bold- "eſt that ever human ambition ſuggeſted, of being ſu- "preme and infallible heads of the Chriſtian church: "they by their profound policy, and unwearied perſe- "verance, by their addreſs in availing themſelves of "every circumſtance which occurred, by taking ad- "vantage of the ſuperſtition of ſome princes, of the ne- "ceſſities of others, and of the credulity of the people, "at length eſtabliſhed their pretenſions, in oppoſition "both to the intereſt and common ſenſe of mankind.

"The right of conferring benefices, which the popes "uſurped, during that period of confuſion, was an "acquiſition of great importance, and exalted the "eccleſiaſtical power upon the ruins of the temporal. "—Even the patience of the moſt ſuperſtitious ages, "mutinied under their oppreſſion; and ſo loud and fre- "quent were the murmurs of the Germans, [and o- "ther nations too], that the popes—abated ſomewhat "of their pretenſions, and reſted ſatisfied with the no- "mination to thoſe benefices, which happened to fall "vacant within ſix months of the year.

"The manner in which theſe extraordinary powers were "exerciſed, rendered them ſtill more odious and into- "lerable.—The ſale of benefices became exceſſive, and "was ſo notorious, that no pains were taken to conceal, "or to diſguiſe it. Companies of merchants openly "purchaſed the benefices of ſeveral diſtricts from the "pope's miniſters, and retailed them at an advanced "price. Pious men beheld with deep regret, theſe "ſimoniacal tranſactions, ſo unworthy the miniſters "of the Chriſtian church," &c. To the ſame pur- poſe write Fathers Paul and Simon, in their treatiſes of eccleſiaſtical benefices, and many others.

Upon the whole, then, it becomes no arduous taſk to trace this uſurped power from its ſource to its dreadful ſtate of perfection, and to mark the direful conſe- quences that attended its progreſs all along. It un- doubtedly took its riſe from the ambition of church- men. The luſt of power and pre-eminence in the

* Vol. 2. p. 111.

churches,

churches, had begun to ſhew itſelf before the canon of the ſcripture was cloſed, as we learn from the apoſtle John. But it was towards the middle of the ſecond century, that it broke forth openly in the diſtinction, unknown before, between a biſhop and other preſbyters *. In the third century, the government of churches verged to a monarchical form †. The biſhops aſpired to higher degrees of power and authority; and not only violated the rights of the people, but alſo made gradual encroachments upon the privileges of the preſbyters. In the fourth century ‡, greater innovations were made, ſtill to the diſadvantage of the preſbyters and people, and to the increaſe of the Epiſcopal power, particularly in the ſettlement of preſbyters in the churches dependent on the mother ones, which being jealous of every new erection, the biſhops kept all in their own power ‖. Things went on in this fatal courſe, with unremitting ambition in the ſuperior clergy, till at laſt the pope ſpoiled them too, by aſſuming the power of univerſal patron. By this ill-fated power of patronage, beyond any other meaſure, were Chriſtians and their privileges trod upon, whether in the hands of the clergy or laic patrons; until at laſt (but not before), in the twelfth century, under Alexander III. it was decreed, in the third council of Lateran, "That, in order to put an end to the confuſion and diſſenſions, "[the never failing pretext of robbing mankind of "their rights by the oppreſſors and tyrants of the "world], which ſo often accompanied the election of "the Roman pontiffs, the right of election ſhould be "veſted in the cardinals alone." The form is ſtill in force. By it not only the people, but the Roman clergy, the ancient electors, were excluded from all ſhare in this matter.

It was in vain for the people to ſtruggle againſt this growing and enormous power in the hands of churchmen, for their original privilege of election. — The

* Moſheim, vol. 1. p. 87. † Id. p. 135. ‡ Id. p. 182.

‖ See, in Dr Sherlock's (the father) Defence of pluralities, large accounts of the benefices of England, and other countries, and of the parochial eſtabliſhments, as ariſing from the donations of princes and great men, as well as from the oblations of the people.

princes

princes and emperors, therefore, contended againſt the eccleſiaſtical uſurpation of the clergy, expreſsly founding their titles on the rights of the people againſt them. Oppreſſion, violence, and laying the world waſte, was the miſerable conſequence of the ſtruggle. Mankind were never laid ſo low in darkneſs, wickedneſs, and ruin, as in theſe ages of dire contention for the diſpoſal of church-benefices, by ſingle perſons.

The intereſts of the church of Chriſt and of religion ſuffered at all hands. If the ambition and uſurpation of ſpiritual tyrants, in violently taking the rights of nomination from the laity, are complained of; what great advantage hath it been to them in general, even where the reformation, as with us, hath taken place, when, as we are told by the author of Obſervations on the overture *, "that princes ſucceeded to the "rights of patronage formerly in the poſſeſſion of theſe "ſpiritual tyrants?" From the beginning of the conteſt, (as is ſaid above), the princes acknowledged they undertook it in the right of the people, from whom the clergy had uſurped it.

But what benefit hath accrued to them by the ſucceſs of the former over the latter? For, even admitting in this argument, all that may be ſaid as to the right of patronage, where princes or great men had perſonally endowed, that their ſucceſſors ought ſtill to be entitled to preſent to ſuch benefices; what is this to all they have taken, and now keep poſſeſſion of, which belonged to the church? Why not reſtore to the people, in whoſe right the princes aſſerted they claimed againſt the clergy, and by whoſe oblations many churches had been endowed? In the controverſy concerning the regale and pontificate, a conſiderable writer on the ſide of the laſt, puts a queſtion, upon this ſubject, to which no ſatisfying anſwer can be given: "Suppoſing," ſays he, "building and endowing gave a title to preſent, where is "the foundation of a claim upon this foot, for the "multitude of churches in being, before ever an "earthly prince gave countenance to Chriſtianity †?" and we add, for the greater multitude erected after they did give their countenance? When they and their

* p. 36. † Caſe of the regale and pontificate.

ſubjects

ſubjects of all ranks doted without meaſure, in the fifth and moſt of the ſixth centuries, before our ſort of patronage had any place, it did not ſo much as enter into the idea of the endowers to poſſeſs themſelves of, far leſs to entail to their poſterity, any ſuch power, on account of their liberality to churches. But, ſay our adverſaries, this power was uſurped from the people by the clergy, and being juſtly taken from them as uſurpers, " princes have ſucceeded;" but how? not by the voice of reaſon or equity. Theſe would have reſtored to the people what the ſpiritual tyrants had, by art and violence, taken from them. If the princes have retained it to themſelves, upon what principle? Only in the plenitude of the ſpirit of feudal tyranny, according to its all-comprehending maxim, which ſwallowed up every private allodial right: *Nulle terre ſans ſeigneur*. The clergy had underſtood this perfectly, when they eſtabliſhed it, That every biſhop or ordinary is patron-general of his dioceſe; and afterwards the pope, naturally as head of all, ſaid, in the true ſpirit of uſurpation, he was the univerſal patron of all churches in the world: and the princes of the North ſhaking theſe out of their power, forgot not their maxims, of poſſeſſing (in their turn) what the former had uſurped from the people. So that the amount of the whole, and what (in this intereſting point) we gain by the reformation, is, That, with regard to a vaſt multitude of our churches, formerly in the hands of ſpiritual, we have an exchange made for temporal tyrants. How ſmall a conſolation to the oppreſſed!

The idea of a true Proteſtant, as has been ſaid, is one who rejects all rule of judging concerning religion and its concerns, but the ſcriptures. Upon this foot did the reformation plainly proceed. But if this principle had in the leaſt degree been attended to, with regard to the ſettlement of miniſters in Chriſtian churches, by the reforming powers, this ever miſchief-working mode of ſettling had infallibly been ſwept utterly away, with the many other Romiſh abominations which it had been ſo ſucceſsful an engine to eſtabliſh; and the election of paſtors had been put in ſome way of conformity to what is pointed out in ſcripture, and favoured by theſe primitive

mitive ages, to which the reformers always appealed, as throwing light upon what the ſcripture truly taught with regard to the government and policy of the church. The authors of our ſecond book of diſcipline underſtood ſo, when upon this very ſubject *: After rejecting patronage as antichriſtian, they add, "And therefore whoſoever will embrace God's word, and deſire the kingdom of his Son to be advanced, they will alſo embrace and receive that policy and order, quhilk the word of God, and the upright eſtate of the kirk craves, otherwiſe it is in vain that they have profeſſed the ſame." Theſe, however, and many ſuch expoſtulations, were in vain. There is a faſcination in power, that diſpoſes men to hold it faſt, however acquired, or however pernicious its effects.

The ſurpriſe that Proteſtants ſhould be ſo tenacious of what is ſo apparently void of all foundation in ſcripture, will not be leſſened by conſidering, that, under Popery †, "a right of patronage, according to that ſuperſtition, was a matter of great value. For in every maſs the patron was remembered in a ſpecial collect, ſo that it ſaved a great charge in a daily maſs ſaid for him; they were flattered with many diſtinguiſhing privileges while in life, had particular honours at their burial, and had maſſes ſaid for them after death," &c. Theſe were reaſons why Catholics might doat upon the diſtinction patronage gave, and make them tenacious of it; but they are loſt to Proteſtants, who know theſe were all deluſive arts, and, however flattering under ſuperſtition, perfectly vain with regard to all they promiſed. And, as if it were not enough for Proteſtants to retain this unnatural yoke, in fact it is found, that its fetters are in not a few particulars bound faſter upon us, than was known under Popery itſelf.

For example: As if it had not been enough that, as under Popery, the proprietors of eſtates ſhould continue in the exerciſe of this right, appendent to thoſe lands in which it was veſted, and not to be alienated but with it; whereby, ſaith Biſhop Burnet ‡, "there was leſs danger

* Second book of diſcipline, chap. 12. § 10.
† See Burnet's additional ch. to Paſtoral Care.
‡ See Burnet, *ibid.* and Boëhmer, p. 499.

" of an ill nomination; as it may be ſuppoſed, that he " who was moſt concerned in a pariſh, would be to a " good degree concerned to have it well ſerved; it is car- " ried farther with us: for a new practice hath ariſen " amongſt us, and, for aught I have been able to learn, " it is only among us, and in no other nation or church " whatever; and that is, the ſeparating the advowſon " from the eſtate to which it is annexed, and the ſell- " ing it (which councils and canoniſts declare to be " groſsly ſimoniacal *), or a turn of it as an eſtate by " itſelf." To this he ſubjoins many juſt obſervations on the great evils conſequent upon ſuch traffic; concluding, the " ill effects of this are but too viſible."

Again, as if it had not been enough, with the church of Rome, to have permitted ſo high a power to be in the hands of her moſt dutiful ſons, over congregations of their brethren; Proteſtants allow its exerciſe in any man's hands whatſoever.—Jealous of the uſe that might be made of ſuch domination, they laid many reſtrictions upon patrons. With them, *e. g.* a preſentation was void, *ſi patronus ſit hæreticus*. One muſt be well affected to their church and religion, elſe he cannot preſent even one of their own clerks †. The reaſon is obvious, that among ſo many in orders, ſome very improper perſons might be found, whom it is ſuppoſed a diſaffected patron would be diſpoſed to prefer. But with us there is no ſuch caution. The government, it is true, careful of its intereſt, on political accounts, reſtrains the unqualified and the Catholics from preſenting. But with regard to concerns purely religious, which ſurely do, or ought in this matter to hold the firſt place as objects, the church and religion are left expoſed to every diſadvantage, that can ariſe from their greateſt enemies, in the exerciſe of this dangerous power. An infidel the moſt avowed, men of any or of no principles or communion, the moſt bitter and determined foe to our whole church-eſtabliſhment, finds his title perfectly entire in preſenting any the moſt unfit or exceptionable of the whole number of our miniſters or preachers, and that perhaps to ſome of the moſt important charges in the kingdom: — nor is his doing ſo

* Boëhmer. † Id.

more

more ſubject to challenge in the moſt diſagreeable caſes, than it would be were the preſentation given by the moſt intereſted and unexceptionable ſon of our church.

Beſides, as if it had not been enough for Proteſtants, with their Bibles before them, to have retained the patronages properly laic, *i. e.* where either king or ſubject could fairly inſtruct the proper titles, the *dos, ædificatio, fundus*;—they have with us ſtretched the matter ſo far, as to ſeize what properly was in the hands of the church, and keeping up the oppreſſion, violently laid hold of this, the rod of it. This in general hath been mentioned before; but there is ſomething ſo particular in our hiſtory concerning it, that it merits ſpecial notice. In the "Obſervations on the overture," it is ſlightly and coldly paſſed over as a thing of courſe, thus *: "Princes "ſucceeded to the rights of patronage formerly in the "poſſeſſion of theſe ſpiritual tyrants; and, in a little "time, many of them were conveyed to their ſubjects." Not one reflection is here made upon a proceeding ſo extraordinary; it is related as if all this had been done with the greateſt equity!

Of the firſt part of this repreſentation we have already taken ſome notice; and now with regard to the other, "and, in a little time, many of them were convey-"ed to their ſubjects," it falls to be obſerved, that upon no principles of the inſtitution of patronage could the ſtate become poſſeſſed of the churches in the gift of religious houſes. But as if it had not been enough to lay hold of their revenues, their patronages too, which ought to have gone to the ſeveral congregations, in all caſes where no lawful patron claimed, (if the voice of reaſon or Chriſtianity had at all been hearkened to), were, in the moſt arbitrary and injurious way, beſtowed upon men who had no ſhadow of a juſt title to them. No man will accuſe Sir George Mackenzie of a diſpoſition to curtail power in the hands of kings or great men, if any tolerable plea can be brought for their titles to it. Let us hear, then, this unexceptionable judge upon this point †. "It was uſual," ſays he, "to "mortify to abbacies, formal and eſtabliſhed patron-"ages to kirks, which were formerly erected into par-

* p. 36. † Obſervations on act of parliament 1592.

" ſonages; and to theſe the monks preſented parſons. " At other times teinds were mortified, and given to " them; and, after the reformation, the teinds were de- " clared the patrimony of the church, by the act of " annexation. Yet thereafter the lords of erection did " prevail, by their importunity with the King, to e- " rect theſe tithes into rectories or parſonages; where- " of the parſonages were given to the lords of erection. " But there can be nothing ſo unjuſt as theſe patrona- " ges were." And afterwards,—" Theſe erections of " new patronages are extremely diſadvantageous to the " people, becauſe one gentleman has thereby right to " force a miniſter upon all the other ancient and great " heritors of the pariſh."

It is evident, that the patronages of the religious houſes, which were many, were decreed by law actually to be in the power of the church after the reformation, when the teinds, to which they belonged, were declared to be her patrimony, and only torn from her by the rapaciouſneſs of courtiers, under ſo fickle a prince as James the Sixth. It is but an illuſive anſwer, then, that is made to the Layman's objection to the patrons poſſeſſing their titles, not upon the foot of juſtice, by the original laws of patronage, " That the endower only ſhould have " them," to ſay *, that " patrons may undertake to give " the hiſtory of the conveyance of their rights from the " perſon on whom they were firſt beſtowed, when the " proprietors of land can exhibit a ſimilar ſtate of their " titles," &c.; as it is clear, by the above account, that there was no juſt cauſe from endowment, or other alleged original reaſon of patronage, for the titles of the lords of erection, but mere inconſiderate and arbitrary will.

We further ſee, in Sir George Mackenzie's obſervation, how powerful truth is. Even *he* could feel its genuine force, when applying the hardſhip to ancient and capital gentlemen like himſelf. But is not the complaint equally reaſonable in the mouth of other ranks, intereſted equally in the ſettlement of miniſters, as ancient and capital gentlemen? What is it to the oppreſſed, who are their over-lords, who force miniſters upon them? whe-

* Obſervations on the overture, p. 54.

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ther the crown, theſe lords of erection, or capital gentlemen, (excepting ſo far, with regard to the laſt, that, according to the act 1690, if admitted to vote in a collective way, they will naturally be concerned to prefer the beſt men, from their connection and intereſt in the ſettlement), or who elſe you pleaſe? Sir George could even bring in the people too in aid, when the capital gentlemen are hurt. But the people of all ranks have reaſon to ſay, upon the general argument, that patronage in itſelf, from its deſpotic nature, is *funditus* wrong. Such power, without proper balances and negatives, may equally bear hard upon all men, by its iron rod, in any hand. Tyranny is abſurd in civil, exceedingly ſo in religious matters; as in theſe, above all other concerns, the mind ought to be left with every degree of freedom, conſiſtent with order in the world.

Neither hath the encroaching nature of this power reſted, with us, in this uſurpation of the patronages of the religious houſes. At and after this unjuſt and illegal diſpoſal of theſe to the lords of erection, there were many others in the hands of the archbiſhops and biſhops, and churches called common, without patronage at all; whoſe incumbents were choſen by the chapters. Theſe, on every ſubverſion of Epiſcopacy, fell by law, with their other eccleſiaſtical power, into the hands of the preſbyteries, who accordingly exerciſed it. Of this there is a clear proof in act of aſſembly 1642, ſeſſ. 7. Aug. 3. where it is ſaid, "That biſhops kirks are "declared to belong to preſbyteries to be planted, by "two acts of the late parliament;" and by inſtruction, "preſbyteries are to uſe all means of exact trial, what "kirks of old were planted by preſbyteries, what by "prelates and biſhops, before the aſſembly 1638." Theſe were in the right of the church in 1592, and carefully attended to in 1642, as the act of aſſembly of that year more fully bears; and doubtleſs, by law, were reſtored to the church at the revolution, (as there was then no exception made with regard to them in favour of the crown), and, among all her other privileges, unalterably confirmed to her by the union. Neither was the church inſenſible of this, as we ſee by the notice taken of it in the *Account of lay-patronage*, which attend-

ed her repreſentations to government in the fatal year 1711: Yet then, and not before, it is ſtatuted, "That "patronages which belonged to archbiſhops, biſhops, "and other dignified clergymen, do of right belong to "her Majeſty," &c. 10 *Annæ*, 1711.

And I ſhould be glad to be told a reaſon, why this is not equally unjuſt and illegal, as even the act giving the patronages to the lords of erection. The council of Trent * ſays concerning many patronages then in the hands of laics, *Jus patronatus plerumque ex uſurpatione quæſitum eſt.* But much more may the church complain, when ſuch multitudes have thus been violently ſeized upon, and carried off from her?

But what is more ſurpriſing than all, as if what both Rome and our civil governors had done to wreathe this yoke about our necks, had been too little, we ourſelves have of late been diſpoſed to carry the oppreſſion fur ther than either of theſe had meditated againſt us. Such pretences as ambition and the love of power could ſuggeſt, they had for their encroachments. But nothing can be ſaid for our conduct, in ſweeping away with our own hands every reſerve left us againſt this bondage, but that we love to have it completely.

Under patronage in its moſt unlimited ſway, either in Romiſh countries or in England, a ſimulate preſentation, *i. e.* given by one to whom the real patron, being unqualified, has diſponed his right for that end, hath ever been declared void. And "though right of "preſentation is abſolute and indiſputable, yet a grant "cannot be made by a common perſon (*i. e.* a ſub- "ject), while the church is void, ſo as to be entitled "thereby to ſuch void turn †." Yet, in a late deciſion of the aſſembly, with reſpect to the ſettlement of St Ninian's, both were found good.

The Pope decreed, the time allowed to laic patrons ſhould be four months to preſent in; that time with us was extended to ſix, as was formerly permitted to eccleſiaſtic patrons. Our late acts of parliament determine with preciſion, that this is the time allowed to patrons to preſent in, without the remoteſt hint of an hour more to

* Seſſ. 25. decr. de reform. cap. 9.

† Burns's eccleſiaſtical law, vol. 1, tit. *Advowſon.*

be

be indulged, before the *jus devolutum* takes place. Yet becauſe the old act 1567 ſays, "or after it may come to "his knowledge of the deceaſe of him who bruiked the "benefice before;" in the caſe of *Rattray*, it was found by the aſſembly, that the preſentation, though coming ſometime after the ſix months were elapſed, was to be admitted on account of the old clauſe: As if the preciſion of repeated new acts of parliament does not derogate from an old one, eſpecially where that very preciſion was evidently calculated to cut off an ambiguity, which manifeſtly might be the occaſion of many diſputes, concerning the validity of a preſentation, by the uncertainty of the time, "when a patron may come to "the knowledge," *&c.* This deciſion would not have been given at Rome, no not in England. Thus Burns, "* A vacancy happens ſeveral ways.— But avoidance "by the death of the incumbent, the patron is obliged to take notice of at his peril, without any intimation." The vacancy of Rattray was by death.

Other inſtances of ſtretching matters beyond all law canon or civil, might be ſpecified. By all our conduct, it would ſeem to be a fixed point with thoſe who have taken the lead in our eccleſiaſtical proceedings, to ſupport patronage, not only where it is legally exerted, but even beyond law, if but the ſhadow of a preſentation appears.

All impartial judges will allow, with that eminent lawyer Sir Thomas Hope, that patronage is *ſervitus libertati eccleſiæ impoſita*; and therefore, according to the approved maxim of law, ſhould be conſidered in that view in the ſtatutes regarding it, as *ſtrictiſſimi juris*; and every fair occaſion taken to evade its force, and diſappoint its rigour, inſtead of ſtraining to increaſe its hardſhip. Thus are we taught by Lord Kaims in his Deciſions, that all laws that bear hard on the liberties of mankind ſhould be explained and treated.

"It is a rule," ſaith he †, "that laws which abridge "the common privileges of mankind, are ſtrictly to "be interpreted. Monopolies and reſtraints are introduced by ſtatutes contrary to natural liberty debarring the lieges, either abſolutely, or in favour

* Eccleſiaſtical law, vol. 1. tit. *Avoidance.*
† Dictionary of Deciſions, tit. *Monopolies.*

"of

" of certain things, which are otherwiſe innocent or " lawful. But whatever be the expediency of ſuch " ſtatutes, they are not to be extended by judges be- " yond their preciſe terms. It would be abridging na- " tural liberty, without the authority of law, which is " worſe than private violence." Why laws that contain monopolies and reſtraints on what ſo nearly concerns religion, which is infinitely more intereſting than all other things whatſoever, and by the natural protectors of it too, ſhould alone not be watched over, but, on the contrary, this worſe than private violence be daily committed by extending them, requires every ſtretch of charity to find a favourable conſtruction for.

We ſee then, were the voice of reaſon or religion to be hearkened to, how little patronage can be juſtified in its moſt favourable point of view, even when there is erection and endowment, when of the title there is a tranſmiſſion to heirs, or others to whom it may be diſponed.— Of what miſchief and violence hath it been the parent;—how has it been ſtretched to more unreaſonable dominion by Proteſtants than ever Papiſts did, and its oppreſſion carried further by our own leaders, without any neceſſity from law itſelf, nay in oppoſition to all the humanity of the maxims of law, in interpreting ſtatutes bearing hard on natural liberty!

But if this ſpecies of deſpotiſm was unreaſonable when even in the hands of thoſe who built, endowed, and ſupported the incumbents; how greatly more is it ſo, when, as with us, (however that alteration came about), the ſupport is not from the patron, but from the tithes; when he more than any is exempted from the *jus oneroſum?* The original plauſible pleas for patronage are now no more; nay, in preciſe conformity to all the force they ever had, ſettlements ſhould proceed in a way agreeable to thoſe who now are ſubjected to that upon which the patrons at firſt built their claims, *viz.* building, repairing, and ſupporting churches and miniſters *. And is this the object on account of eſtabliſhing

* Nothing can be more evaſive and unſatisfactory than the reply the Obſervations on the overture make to the Layman, who had urged this argument againſt the reaſon and juſtice of patronage, (p. 54.), " That endowment was far from being the only " cauſe

ing of which ſo much zeal is diſplayed? A conſtitution can hardly be figured, for which, in abſtract argument, leſs can be ſaid: Nothing, indeed, but what will eſtabliſh any kind of tyranny and bondage on earth. And with reſpect to its exerciſe; fortunately, perhaps at particular times, and in peculiar circumſtances, it may be mild and well directed; ſo the negroes in the Weſt Indies may happily be diſpoſed of to a gentle maſter. But in both inſtances, the contrary may, and too generally does happen; and muſt, in a conſtitution ſo repugnant to all ideas of civil and religious liberty, be expected. We ſee it ſo even in our own Proteſtant land of liberty every day. The ſtate is very undeſirable. It is, and ever will be productive of the worſt effects.

CHAP. III.

Of the principles of our firſt reformers concerning ſettlements, and an apology for them.

AFter having, in the former chapter, opened up the original and progreſs of patronage, with its miſerable conſequences, and the unhappy partiality in its favour prevailing among us; in order to a clearer view of our ſituation with regard to this bondage, it is fit to inquire into the true principles upon which our venerable reformers ſet out in relation to the ſettlement of miniſters. And this becomes the more neceſſary, as the friends of patronage conſtantly ſet, what we conceive to have been, their real ſentiments, in the moſt ridiculous light; and at the ſame time boldly aver, they were friends to preſentations.

Our reformers had, with all their brethren in other countries, publiſhed to the world the confeſſion of their faith as Chriſtians, as they held it, in oppoſition to the church of Rome, from which they had ſeparated. But

" cauſe of patronage." As this and its attendants were originally by the Canon law made the formal reaſon for beſtowing that right, it behoved him as a fair adverſary to have ſpecified the other reaſons he means, when he aſſerts " theſe were far " from being the only cauſe," that their truth and weight might be conſidered.

as

as it is a firſt principle, That no ſociety can ſubſiſt without government and diſcipline, they were no ſooner formed into one, than Mr Knox and others were appointed to draw up that form of diſcipline, by which their church was to be governed. This was done at the command of the then great council of the nation, and, when finiſhed, called *the book of policy*.

As, in matters of doctrine, they had laid aſide the whole fabric of the Roman church, and gone directly to the true fountain of divine truth, the holy ſcriptures; ſo to the ſame ſource, they (not like the church of England, who, in order to gain the more on their people, retained ſo much of the Romiſh ſuperſtition in their government, worſhip, and diſcipline, under which their beſt men have groaned ever ſince) at once went for their policy as a church.

It is undoubtedly clear, that they put the calling of miniſters in the hands of the people. Chap. ii. § 2. "It "appertaineth to the people, and to every ſingle con- "gregation, to elect their own miniſters." And chap. iv. "That it altogether be avoided, that any man be "thruſt in upon any congregation."

While they thus gave the election to the people, a check is eſtabliſhed with regard to the qualifications of the elected by them. For, in chap. ii. § 8. it is declared, "That the admiſſion of miniſters to their offices, "muſt conſiſt in the conſent of the people, and church "whereto they ſhall be appointed, and approbation of "the learned miniſters appointed for their examina- "tion." Of this ſufficiency they were very jealous; ſo that though the well-qualified miniſters were not, as may be eaſily imagined, at that time in great abundance; yet they ſay *, "that neither for rarity of men, "neceſſity of teaching, nor for any corruption of time, "ſhould unable perſons be admitted to the miniſtry.— "Better to have the room vaik, than to have unquali- "fied perſons, to the ſlander of the miniſtry, and the "hurt of the kirk." And, finding the ſame reaſons hold for a ſuitableneſs to a particular charge, as for the general qualifications for the miniſtry, it is declared †, "That the miniſters and elders (*i. e.* the preſbytery)

* Short ſum of the firſt book of diſcipline, ch. iv. † ch. ii. § 2.

"after

" after trial ſhall ſignify to the congregation, whoſe " gifts they found moſt meet and profitable for that " miniſtry."

Theſe are the ſentiments which clearly run through the book of policy, and all the other public and approved treatiſes of our reformation *. How they were led into them, is nowiſe difficult to trace.

Beſides, as has been already ſaid, the ſcriptures themſelves, which they declared to be the rule of their Proteſtant profeſſion, to which they ever appealed againſt the Papiſts, and which, as they thought, pointed out theſe principles; they kept cloſe correſpondence with their brethren of the reformation in the ſouth of Europe, who held the ſame opinions. To this may be added, that, in all things, a noble ſpirit for liberty, heightened by the ſenſibility of the hated bondage of Rome they had juſt eſcaped, was in full energy among them, diſpoſing them to embrace the freeſt conſtitutions. Clear is the account of this we have from Dr Robertſon †, who, after much juſt praiſe of our reformers, ſays, " That, together with more enlarged notions of reli- " gion, the reformation filled the human mind with " more liberal and generous ſentiments of human liber- " ty. The genius of Popery is extremely favourable " to the power of princes; the implicit ſubmiſſion to " all her decrees, which is exacted by the Roman " church, prepares and breaks the mind for political " ſervitude; and the doctrines of the reformers, by o- " verturning the eſtabliſhed ſuperſtition, weakened the " firmeſt foundations of civil tyranny. A new ſtudy at " the ſame time added greater force to the ſpirit of li- " berty. Men became acquainted with the Greek and " Roman authors, who deſcribed excellent models of " free government, far ſuperior to the inaccurate and " oppreſſive ſyſtem of the feudal law. Many of the e- " minent reformers were themſelves conſiderable ma- " ſters of ancient learning." And in a note we are

* See them in Dunlop's Confeſſions, vol. ii. They are,—The book of common order;—A ſhort ſum of the firſt book of diſcipline;—and, A treatiſe of the election and admiſſion of ſuperintendants.

† Hiſtory of Scotland, vol. i. p. 182. 8vo edit.

told,

told, that " Knox's exceſſive admiration of the ancient " policy, was the occaſion of his famous book concern- " ing the regimen of women. Therein his principles " and examples were all drawn from ancient writers."

From theſe conſiderations, it cannot be ſurpriſing, that our reformers ſhould form that firſt book of policy, in all reſpects, with ſo perfect a ſpirit of freedom. As Chriſtians they knew they belonged to the freeſt ſociety in the world; they framed a ſyſtem of government therefore, and in particular eſtabliſhed regulations concerning this eſſential point in it, the chuſing church-officers, in a ſtyle becoming their liberty. This ſpirit of freedom took place, ſays Dr Robertſon *, " where its " operation was not checked by the power and policy " of the princes in Germany, England, and the north- " ern kingdoms, where the ancient Epiſcopal juriſdic- " tion, under a few limitations, was ſtill continued in " theſe churches. But in Switzerland, and the Low " Countries, the nature of the government allowing " full ſcope to the genius of reformation, things " took place accordingly. The ſituation of the primi- " tive church ſuggeſted the idea and furniſhed the ſy- " ſtem, which has ſince been called *Preſbyterian*. Cal- " vin, whoſe deciſions were received among the Pro- " teſtants of that age with incredible ſubmiſſion, was " the patron and reſtorer of eccleſiaſtical policy. The " church of Geneva formed under his eye, and by his " direction, was eſteemed the moſt perfect model of " this government; and Knox, who, during his reſi- " dence in that city, had ſtudied and admired it, warm- " ly recommended it to the imitation of his country- " men." And hence, in particular, we have the book of common order, and the firſt book of diſcipline, which were chiefly drawn up by him.

This laſt, formed upon theſe notions, was laid before the ſtates of the nation; and of its fate with them, we are alſo well informed by the ſame author, who tells us †, " That, in order to give greater ſtrength to the " Preſbyterian plan, Knox, with the aſſiſtance of his " brethren, compoſed the firſt book of diſcipline, which " they preſented to a convention of eſtates, which was

* Hiſtory of Scotland, vol. i, p. 182. † Id. p. 251.

" held

" held in the beginning of this year (1560). Whatever " regulations were propoſed with regard to eccleſiaſti- " cal diſcipline and juriſdiction, would have eaſily ob- " tained the ſanction of that aſſembly; but a deſign to " recover the patrimony of the church, which is there " inſinuated, met with a very different reception. In " vain did the clergy diſplay the advantages which " would accrue to the public, by a proper application " of eccleſiaſtical revenues; in vain did they propoſe, " by an impartial diſtribution of this fund, to promote " true religion, to encourage learning, ſupport the " poor, &c. The nobles held faſt the prey which they " had ſeized."

Of two facts we are here authentically informed: Firſt, That the declared principle of our firſt reformers as to the ſettlement of miniſters, was for calls properly popular; and, 2dly, That the reaſon why their book of policy, containing this, was not confirmed by public authority, was, that the church-revenues, with which at that time preſentations were moſt eſſentially connect- ed, as conveying a right to the tithes, the matter in queſtion, were a rich and ſweet morſel, which the no- bles would not part with; nay, of which Queen Mary herſelf, bigotted as ſhe was to Rome, was as tenacious as they were, making this reply to a requeſt of the ge- neral aſſembly upon this head in 1565, " That the low " ſtate of her revenues did not permit, as without thoſe " of the church, the crown could not be ſupported."

After theſe obſervations, I ſhould proceed to what it is farther neceſſary to ſtate concerning the principles of our reformers upon this point, if reverence for the me- mory of the great men who adopted this method of ſettling miniſters by the people, and regard for truth, did not conſtrain me to take notice of the endleſs declamation we are accuſtomed to, from the advocates for patronage, on the abſurdities, the wildneſs of all ſuch ſchemes, and the direful conſequences that muſt enſue upon them, were they to take place; and at the ſame time to ſhew, that even this plan of theirs is not ſo much without reaſon, example, and good effects; —nor ſo wild, hideous, and big with ruin, as by theſe gentlemen is repreſented.

Were their argument laid thus, That to ſuppoſe the government, which ſupports the miniſtry by its public encouragement, will ever hearken to any application for popular calls, is chimerical and wild; in that they would meet with no contradiction. But they well know there is no hazard of ſuch propoſals. Since the days of the firſt book of policy, that plan hath not been adopted by the church; neither in 1649, nor at the revolution, was it thought of; and the moſt zealous aſſemblies in our days in 1734 and 1735, in their applications to parliament againſt patronages, had too much good ſenſe, (whatever the private ſentiments of ſome of them might be), to ſay more, than, Reſtore to us the act 1690; *i. e.* Put us in the ſame ſituation the unalterable union declared we were to be in for ever. And ſurely there is not at preſent a ſhadow of foundation for charging any with a deſign of carrying the matter farther. Were there no other reaſon, every body knows the times would not bear it; nor is there any colour of plea, for aſking more from the legiſlature than the act 1690.

But as if this were at bottom ſtill, in every oppoſition to the moſt rigorous uſe of patronage, it is the perpetual reproach thrown out, before church-courts, upon all who are diſpoſed to moderate conduct in this matter.

Thus alſo it is ſtated in the Obſervations on the overture." "So that the queſtion muſt be, whether "the nomination of the patron, or any nomination "under the influence of the people, when clothed in "effect with the power of patrons, is to be preferred?" Than which in point of truth nothing can be more uncandid, or in point of argument more vain. It ſuppoſeth, that there is no medium between arbitrary government and proper democracy, in face of all our preſent conſtitution civil and eccleſiaſtic, and in face of the ſcheme of the act 1690, which the oppoſers of patronage have ever in their eye, as the baſis of all their wiſhes and hopes for reformation, and deliverance from this grievance.

In purſuance of this falſe poſition, and in conformity to the univerſal cry of the advocates for patronage, does this author carry on the diſpute through his whole

* p. 7.

performance;

performance; thus, p. 12. " As they (the people) diſ-
" approve of ſome candidates from mere ignorance,
" or prejudices founded on uncertain reports; ſo,
" when left to make a free choice, their approbation
" is often equally capricious. If a probationer or
" miniſter has preached a ſermon which is agreeable
" to them, and that which is moſt agreeable is not al-
" ways moſt conducive to edification; from that mo-
" ment they are blind to all his failings, and he be-
" comes as infallible as the pope in the eyes of a good
" Catholic. Such a man as this can do no wrong.
" Learning, and all other valuable qualifications, are
" put entirely out of the queſtion. If he be ignorant
" and mean, he is often ſo much the more reſpected;
" and if ſettlements depended on the people, he would
" take place of the moſt eminent and worthy men in
" the church." After ſuch another looſe and vague accuſation of the judgment of the people, p. 14. it is added, " But ſuch accompliſhments would not go far,
" in recommending the man to the eſteem of thoſe who
" at preſent enjoy the right of patronage." And how eaſy were it to retaliate here, by a general declamation on the vain philoſophical diſſertations produced often by thoſe preferred by patrons, in their exhibitions in the pulpit, without Chriſtianity, ſerioufneſs, or uſe to ſober Chriſtians; and who even in prayer hardly deign to make uſe of the name of Chriſt, unleſs in the moſt overly way at the end, to ſave appearances?—But to the preſent argument:

Our firſt reformers, it hath been ſhewn, were certainly
" for popular calls, under the controul of learned
" men, upon their choice, in point of literature, and
" qualifications of their candidates for the particular
" charges to which they were elected."

And is this, indeed, ſo abſurd a ſcheme, as in theſe days, it is held out to be? How apt is it to raiſe one's indignation, to hear ſuch contempt poured upon it by many, who for concern in religion, judgment, or learning, are not worthy to carry the books of the great men who formed it? They ſearched the ſcriptures, and averred they favoured it. They ſtudied antiquity, and found, in many of the firſt ages of Chri-

ſtianity, no other model for electing church-officers; and that, under it, the churches increaſed, proſpered, and were in peace. They carefully looked into the nobleſt plans of liberal and free civil governments in the ancient world, and obſerved them flouriſhing under ſuch inſtitutions.

It ſeems to be an idea natural to mankind in the election of governors, as we are told by Dr Robertſon *, "from the earlieſt period of the hiſtory of "Germany, that the perſon who was to reign over "all, was elected by the ſuffrage of all, confirmed "by the inſtances of Conrad II. and Lotharius II."

As to church-officers; the ſame author informs us, this article ſtood in the front of the demands of the boors at their inſurrection in Germany after the dawn of the reformation, "that they ſhould have the election "of their paſtors. Many of which," ſays he, "were "reaſonable, and might have been complied with."— It was one of the demands of the congregation of our reformers, ſent over from them, by Sir James Sandilands, to Queen Mary yet in France. It is what to this day, all Proteſtant Chriſtian ſocieties, of whatever profeſſion or denomination, adopt, when not limited by an eſtabliſhment. So naturally does deſire of being ſatisfied in the choice of paſtors ſpring up in the hearts of all Chriſtians. If the favourers of patronage would confine themſelves to the argument ariſing from the legiſlature againſt popular calls, and keep that ground, it were well; but then, as is ſaid, they would contend without an adverſary. It is the profuſion of abuſe againſt this method of ſettlement, as in itſelf abſurd, wild, &c. that is now remarked upon.

The ſettled maxim in church-antiquity, is, *Qui præfuturus eſt omnibus, ab omnibus eligatur* †. To confirm this, I would not be tedious in bringing a multitude of evidences from the learned who have made collections upon this argument. Any who pleaſes may conſult what Blondel ‡ hath drawn together to confirm it. Our own Preſbyterian writers I do not mention; but

* Hiſtory of Charles V. vol. i. p. 380. chap. 2. § 4. Lord King's Inquiry, &c.

† Bighham, b. 4.

‡ De jure plebis.

Dr

Dr Moſheim * may be named, who ſays, "The mul-
"titude themſeves being aſſembled, choſe their own
"preſidents and teachers, or approved of ſuch as were
"largely recommended." And again †, "The peo-
"ple as formerly choſe the biſhops." Bp Burnet tells
us ‡, "that in the firſt ages none were ordained but by
"the approbation, or rather the nomination of the peo-
"ple." No man ever ſuſpected Dr Louth of partiality
to the people; yet, in his treatiſe of church-power,
he ſays, "That the people had voice in the choice of
"biſhops, all muſt grant; and it can be only ignorance
"and folly that pleads the contrary."

Is it not notorious, that, from the beginning, this
hath been one of the great ſtumbling-blocks of the
diſſenters againſt the church of England, that, on ac-
count of patronage, the people had neither choice nor
negative in the election of miniſters, but muſt ſubmit
to whom, of whatever doctrine or gifts, a patron gave
them. No man can doubt of Mr Baxter's moderation.
But as no alteration had been made with regard to pa-
tronage from the reformation in England, and as its
abolition could not be expected at the reſtoration, we
learn from himſelf in his life, that, in a correſpondence
he held with Dr Hammond, upon the eve of that event,
he propoſed, "the patrons right to nominate might
"be preſerved, though the communicants have the ne-
"gative of conſent, without which none is to be ob-
"truded on them; for," adds he, "how can people
"be governed in the worſhip of God, and a holy
"life, by any paſtor without their own conſent?"

I know not where one can find a more impartial ac-
count of this matter from the beginning, and the cauſes
of any confuſions that of old happened by popular calls,
than from this great man, who ſtates it thus ‖: "And
"however," ſays he, "ſome talk now to juſtify the con-
"trary courſe of our times, it is ſo full and clear in anti-
"quity, that the people choſe their biſhops, at firſt prin-
"cipally, and ſecondarily after the clergy, having a
"negative choice with them, and their conſent and

* Hiſtory, century 1. chap. 2. § 1. † Id. century 4. chap. 2. § 1. ‡ Additional chap. to Paſtoral Care.
‖ Treatiſe of Epiſcopacy, ſecond part, p. 67. 68.

" teſtimony ever neceſſary, even for 800 years at leaſt, " that it would be a needleſs thing to cite any more " teſtimonies, to any verſed in the ancients." — Then follow a number of citations.—And having mentioned ſome inſtances of tumults on theſe occaſions, (tho' theſe did not happen till many centuries of the Chriſtian æra had paſſed), he adds, " And it is to be noted, that when " the people's confuſion had made them ſeem incapable " to chuſe, 1. That was owing to the prelates them- " ſelves, who by that time had ſo far enlarged their " churches, that the people were neither capable of do- " ing their ancient work and duty, nor yet of being led " by the clergy aright. 2. When the people were re- " ſtrained from the choice by meetings and votes, the " magiſtrate in their ſtead did undertake the power. 3. " And when it fell out of the people's hands into great " mens, the proud and the covetous who could beſt ſeek " and make friends, did get biſhoprics; whereupon " the churches were preſently changed, corrupted, and " undone. 4. And the ſenſe of this moved the few " good biſhops that were left, to make canons againſt " this power, and choice of princes and great men, " decreeing that all biſhops intruded by them on the " churches ſhould be as none, but be avoided. — And " the Roman and patriarchal party cunningly joined " with the honeſt reformers, to get the choice out of " the magiſtrates hands, that they might get it into " their own; and ſo Chriſt's church was abuſed among " ambitious uſurpers."

There is no myſtery in the matter at all. Human nature will act uniformly in ſimilar ſituations in all ages. --It was ſo of old: the beſt miniſters were choſen by the people, when left to themſelves, and there was peace; but in proportion as men of ſelfiſh and worldly deſigns mingled with them, and acquired power, confuſion and bad miniſters was the conſequence. And men may paint the bad taſte of the people, and the better judgment of patrons, in what colours they pleaſe; but the preciſe ſame effects will infallibly follow now as formerly, in proportion as the influence of the former is diminiſhed, and the power of the latter is advanced, in the ſettlement of miniſters.

If

If any now preſume with us to inſiſt upon the conſideration that ought to be given to the people in ſettlements, what an antiquated wild creature is he repreſented to be; how run down as ſeditious and dangerous? But what would be ſaid were any to open upon this ſubject in the language of Dr Hallet, (whoſe learning and moderation, on other accounts, theſe friends of patronage will not readily diſpute), who in his ſupplement to Mr Peirce on the Hebrews, chap. xiii. 17. *Obey them that have the rule over you*, &c. thus expreſſeth himſelf. "The apoſtle was far enough from re-"quiring Chriſtians to obey and ſubmit to every one "without exception, that ſhould at any time, and by "any methods, be appointed to be their paſtor. If a "paſtor be *impoſed* on them, and *againſt their conſent*, "they may leave him." In what degree of ſedition and madneſs would ſuch a man be ranked!

But why is all this abſurdity and contempt attributed to popular calls, and poured upon thoſe who favour them? One would gladly be informed by theſe gentlemen, who are ſo liberal in their cenſures upon the election of miniſters by the people, as a ſcheme in itſelf ſo abſurd, and in its conſequences ſo fatal, how it comes, that ſo much praiſe is laviſhed upon civil conſtitutions, as the nobleſt models of government; and for this preciſe reaſon too, that the people are admitted to ſo large a ſhare in them. We ſhall bring a few authorities from authors, whom theſe very gentlemen on other occaſions are not apt to deſpiſe. Thus Baron Monteſquieu ſays *, "That, even in ariſtocracies, it were happy if, by "ſome indirect method, the people could be emanci-"pated from their ſtate of annihilation. Thus at Ge-"noa, the bank of St George being adminiſtered by the "people, gives them a certain influence in the govern-"ment, from whence their whole proſperity ariſeth. "For however eaſy it is for the body of the nobles to "contain the people within bounds, in the ſame degree "it is difficult to contain themſelves." He carries it farther, and aſſerts †, that "the people are extremely "well qualified to judge of thoſe, to whom they are to

* Spirit of laws, vol. i. p. 14. ſmall edition. † Id. p. 9.

"impart

" impart part of their authority. They have only to
" be determined by things which they cannot be ſtran-
" gers to, and by facts which are obvious to ſenſe.
" They can tell when a perſon has been in ſeveral en-
" gagements, and has had particular ſucceſs: they are
" therefore capable of chuſing a general. They can
" tell when a judge is aſſiduous in his office, when he
" gives general ſatisfaction, and has never been char-
" ged with bribery: this is ſufficient for chuſing a
" prætor. Theſe are facts of which they have better
" information in a public forum, than a monarch in
" his palace. Should we doubt," adds he, " of the peo-
" ple's natural ability in reſpect to the diſcernment
" of merit, we need only caſt our eyes on the continual
" ſeries of ſurpriſing elections, made by the Athenians
" and Romans, which no one ſurely will attribute to
" hazard."

An objection hath been raiſed againſt commonwealths where the whole body of the people meet for deciſion, that confuſion is the conſequence. But Mr Hume, in his idea of a " perfect commonwealth *," far from ſetting aſide the people upon this objection, ſays from Harrington, that without the people even a ſenate would want honeſty; if not allowed to debate, the ſenate has a negative upon them, and the worſt kind of negative, that before reſolution. (In this view patronage muſt be mere deſpotiſm). To obviate the objection from confuſion, ſays he, Divide the people into many ſeparate bodies, and then they may debate with ſafety, and every inconvenience ſeems to be prevented. — Though every member be only of middling ſenſe, it is not probable that any thing but reaſon will prevail over the whole †. —Theſe are very different ideas from thoſe propagated by our patronage-gentlemen, and aſſerted in the Obſervations on the overture; and they are juſter ones. And why ſhould it be thought more wild, and abſurd, to give to bodies of Chriſtians, and ſuch confined ones as pariſhes, the election of their miniſters, than in civil government that of magiſtrates? Are the concerns of immortality of leſs importance to rouſe their attention, and to diſpoſe them to give the preference to thoſe,

* p. 294. † Idea of a perfect commonwealth.

their

their beſt judgment directs them to, as moſt proper to anſwer the great ends in view by the miniſtry? or have they leſs perfect information of the characters that are fitteſt and moſt likely to prove ſucceſsful in that office, when the inſpired ſcriptures lie open before them, directing their choice to the "blameleſs, the vigilant, ſober, of "modeſt behaviour, not given to wine, not contentious, not greedy of filthy lucre, lovers of good "men, holy, temperate, juſt, patient, apt to teach?" Upon theſe, are not the people now as capable to judge who ſhould be miniſters, as of old in free governments they were of the talents fit for magiſtracy or war? Even with regard to the laſt-mentioned character, the aptneſs to teach, upon which the Obſervations on the overture *, and all that party, are accuſtomed ſo much to triumph over the unfitneſs of the multitude to judge properly, as if a "loud voice, retentive memory, &c. "were the principal qualities that are agreeable to "them;" who knows not that the greateſt maſters of eloquence have formed quite another judgment? Cicero †, for example, ſays, *Id enim eſt ſummi oratoris, ſummum oratorem populo videri. — Efficiatur autem ab oratore necne, ut ii qui audiunt ita afficiantur vulgi aſſenſu, et populari approbatione indicari ſolet.—Hoc ſpecimen popularis judicii, in quo nunquam populo cum doctis intelligentibuſque diſſentio. Mihi cane et populo, mi Brute, dixerim, ut qui audient et quid afficiatur, ego etiam cur id efficiatur intelligam.—Eloquentiam autem meam populo probari velim.* A great deal more from him, from Quintilian, and other celebrated judges of eloquence ancient and modern, might eaſily be brought together to the ſame purpoſe. So that the ridicule poured on the people in this view, is rather an evidence of want of boaſted literature or candour, than a proof that the ſentiments of the people concerning the talents of oratory, ſhould be ſo much deſpiſed, and ſo high a preference given to thoſe of the patrons, or to thoſe "who think themſelves entitled to ſolicit "in behalf of candidates for the ſacred office ‡." The rather when it muſt be confeſſed, that it is for the benefit of the people miniſters are intended, who therefore ought, if poſſible, to be pleaſed: whereas pa-

* p. 14. † De orat. ‡ Obſervations on the overture, p. 15.

trons

trons have ſeldom an opportunity of being inſtructed publicly by their preſentees; and to them therefore it is of leſs conſequence, whether, as teachers, they are perfectly agreeable, ſuppoſing they were to differ from the people in judgment, or not.

If in point of literature, upon which ſo much ſtreſs is laid, it is inſiſted the people are not proper judges; the anſwer is, our wiſe reformers did not commit the determination of that to them, but prudently reſerved it "to the judgment of the learned miniſters; who "were to try the candidate," not only in general, but whether or not his qualifications were "fitted for "the particular charge to which he was choſen," and to reject the inſufficient.

Indeed, if we did not certainly know, that, in forming the firſt book of policy, our reformers had before them, as their true guide, the ſcripture itſelf, and the pattern of Chriſtian churches in the earlieſt ages, one would be induced to conclude, that, ſmitten with the admiration of ancient models, they had adopted much of their plan from Solon, who, all the world knows, ordained, "That in order to amend the ſuffrage by "lot, none who preſented themſelves (the moyeners "whom our reformers excluded) ſhould be elected:"— "That the perſon elected ſhould be examined by judges, "and that every one had a right to accuſe him if un- "worthy of the office."—As to the other great objection, the tumults conſequent upon popular elections, another opportunity will occur to give it conſideration.

So far have we deſired to do juſtice to the memory and work of our worthy anceſtors, and to ſhew that even popular calls, which they eſtabliſhed in their firſt book of policy, are neither ſo void of ſenſe, authority, and example; nor a ſcheme ſo hideous in its conſequences, as the author of the Obſervations upon the overture, and many others in theſe days, would ſet forth, in their perpetual effuſions of ridicule and reproach, with which they load the ſcheme itſelf, and thoſe whom they accuſe as its abettors.

But, as hath been ſaid, there is no juſt ground for the charge, as if any were intending to introduce this ſcheme at preſent. The friends of patronage know it well; though

though of this imputation they have long availed themſelves, in order to carry off the attention of the landed intereſt from the true ſtate of the preſent queſtion; which is not, as by this art they would ſtate it, "Whether the people or patronage, in which laſt gentlemen are ſuppoſed to have influence, ſhould prevail?" but, "Whether abſolute patronage, under which undoubtedly the land-holders are annihilated, or the act 1690, as the baſis of all propoſals for ſettlement of miniſters, (according to which they are admitted to ſo great conſideration), ſhould take place?" Inſtead therefore of being repreſented as odious, wild, and contemptible; thoſe who oppoſe the preſent violence in ſettlements, are entitled to be conſidered, as the true friends of the landed intereſt, and at the ſame time as making a ſtand againſt a ſcheme, that, in religious concerns, muſt infallibly land in reducing "the people, the moſt numerous, as well as the moſt "uſeful part of the community, to a ſtate of ſervitude, "or to be treated with the ſame inſolence and rigour as "if they were degraded to that wretched condition *. "For the ſpirit of this domination, like all others of "the deſpotic kind, muſt corrupt the patrons, while "its yoke of ſervitude depreſſes the people, extin-"guiſhing the generous ſentiments inſpired by a ſenſe "of equality, annihilating all other ranks of men, "while it exalts the man of power, leaving nothing to "the former, while it gives every thing to the latter †." But the miſerable effects of this plan will hereafter be more fully explained.

CHAP. IV.

Of the alteration of the principles concerning ſettlements, that appears in the ſecond book of diſcipline, from what was laid down by our reformers in the firſt.

IN order to inquire with greater accuracy into the principles of this church with regard to the ſettlement of miniſters, it is neceſſary to proceed, by obſering, that as, at the command of the council of Scotland, the firſt book of diſcipline had been drawn up; ſo

* Dr Robertſon's hiſt. of Charles V. vol. i. p. 16. † p. 26.

the

the church, ſenſible that it was done in haſte, and that many things in it were more properly ſuited to the preſent conjuncture, than calculated for a permanent policy, ſo early as in 1563, (three years only after the firſt book was compiled), appointed committees to reviſe and perfect it; which were renewed from time to time, till, after the utmoſt deliberation, it was finiſhed in 1578, and then had the moſt ſolemn approbation from the general aſſembly.

As to what at preſent is in queſtion, we find this variation: That in the firſt book the election was by the people, the approbation and examination by the preſbytery: But in the ſecond book, chap. 3. §4. it is declared, "That election is the chuſing out of a perſon maiſt "able to the office that vaikes, by the judgement of the "elderſchip (*i. e.* preſbytery), and conſent of the con-"gregation to whom the perſon or perſons beis ap-"pointed." Nor is this difference immaterial: Tho' the approbation of both preſbytery and congregation is ſtill made neceſſary; yet they who by conſtitution have the firſt and proper nomination, which is here veſted in the preſbytery, have greatly the advantage; the people, who are laſt, having only a negative, which on many accounts is of leſs moment than the poſitive power of nomination, however eſſentially neceſſary "the con-"ſent, aſſent, and will" of the congregation is made in order to a ſettlement; in par. 5. of the ſame chapter, it being expreſsly declared, that no perſon be intruded into any offices of the kirk contrair to the "will" of the congregation, to whom they are appointit, no more than without the "voice" of the elderſchip, *i. e.* the preſbytery.

It is fit, then, to inquire into the probable reaſons of this alteration. It is very well known, that among learned men there has been a difference of ſentiment in this point. The church of Rome carries the matter ſo high for the clergy's right to elect, and againſt that of the people, as to have made a canon in the council of Trent (can. 7.); *Si quis dixerit ordines ab epiſcopis collatos, ſine populi vel ſecularis poteſtatis conſenſu, aut vocatione, irritos eſſe, anathema ſit.* But there are Proteſtants too, who contend, that, in the early ages, it belonged

belonged to the clergy to chuſe the Chriſtian biſhops and paſtors: While moſt others ſay, as we have ſeen, that from the beginning the election was by the people.

The truth ſeems to be, that, in the very earlieſt ages of the church, election did belong to the people; but when the diſtinction began, by raiſing one of the elders of a church to ſuperior authority, under the title of *biſhop*, the remaining church-officers became a diſtinct body; and, at firſt, along with the congregation, made choice of the biſhop; but in after periods, as diſtinct, uſurped the name of the *clergy*, which, as ſignifying the heritage of God, belonged to the whole church; and then, according to the encroaching nature of power in whatever hands, they by degrees aſſumed the right of making the election themſelves, only propoſing their biſhop elect to the people for their approbation. In modern times, the advocates for the power of the clergy, grafting upon expreſſions in ſome of the fathers, favouring this claim and practice, became inclined to give the election to them.

But however this may be, it is certain, that, even among the reformed, there are patrons both of the people and of the clergy in this argument. Our firſt reformers were clearly for the people being the electors; thoſe who framed the ſecond book of diſcipline, ſeem inclined to favour the clergy.

It hath been already obſerved, that our reformers kept up a cloſe correſpondence with their brethren abroad, particularly with thoſe of Geneva, France, Switzerland, *&c.*; and were ready to adopt their ideas. Now, we find this very model of electing miniſters eſtabliſhed among them. Thus, in the diſcipline of the reformed church of France, after a deſcription of the trials of their "propoſants" before the colloquy or ſynod, it is added †, "He ſhall be fully and ſolemn-"ly ordained in that church, to which he is ſent; "and the ſaid church ſhall be informed of his election "by the act or letters of that ſynod or colloquy, which "ſhall be declared and read unto them, by a paſtor

† See L'Arogue's conformity of the eccleſiaſtical diſcipline of the church of France, with primitive antiquity, art. 6. p. 16.

" or elder." *Can. ſixth.* " He whoſe election ſhall " be declared unto the church, ſhall preach publicly " the word of God, on three ſeveral Sabbaths, (but " without power of adminiſtering the holy ſacraments, " or of ſolemnizing marriages), in the audience of " the whole congregation, that ſo they may know his " manner of teaching; and the ſaid auditory ſhall be " expreſsly charged, that if any one of them do know " any impediment, for which his ordination, who " ſhall be then mentioned by his name, may not be " completed, or why he may not be accepted, that " they do then come, and give notice of it unto the " conſiſtory, which ſhall patiently hear the reaſons of " both parties, that ſo they may proceed to judg- " ment. The people's ſilence ſhall be taken for a full " conſent; but in caſe contention ſhould ariſe, and " the forenamed elect be pleaſing to the conſiſtory, " but not unto the people, or to the major part of them, " his reception ſhall be deferred, and the whole ſhall " be remitted unto the colloquy or provincial ſynod, " which ſhall take cognizance, both of the juſtifica- " tion of the forenamed elect miniſter, and of his re- " ception. And although the ſaid elect ſhould be then " and there juſtified, yet ſhall he not be given as pa- " ſtor unto that people againſt their will, nor to the " diſcontentment of the greateſt part of them; nor " ſhall the paſtor be impoſed againſt his will upon that " church."

So far alſo this conſtitution nearly obtains in Geneva to this day, that, upon a vacancy, the claſſes there, after a ſolemn oath taken to be impartial, make the election; then preſent their elect to the magiſtrates for approbation; which being obtained, he is next propoſed to the people for theirs.

The principles upon w[illegible]heſe ſyſtems are built, are obviouſly the ſame wi[illegible]e eſtabliſhed in the ſecond book of diſcipline. Men may wrangle concerning the preciſe meaning of this and the other phraſe, and ſtrain criticiſm, as they have done, to preſs them into their ſeveral hypotheſes. But an impartial eye at once diſcerns ſuch a ſameneſs between that of France in particular, and our ſecond book of diſcipline, as to decide,

ſide, without heſitation, that where the leaſt doubt appears, it is to be explained by ſuch an unerring commentary.

It will confirm this opinion to remember, that while the ſecond book of diſcipline was compiling, Mr Andrew Melvin returned from France and Geneva. After Mr Knox died, the church could no longer want Mr Melvin; and, in fact, he was Knox's proper ſucceſſor, in learning, reſolution, and influence, ſtanding in the front of danger in all ſtruggles againſt the encroachments of the court, and for the liberty of the church. He was clearly of theſe ſentiments, that the election of miniſters belonged to the preſbyteries, at the ſame time giving a negative to the people *.

Beſides the perſonal perſuaſion of Mr Melvin and his brethren, in this article, the ſtate of public affairs, both during the regencies in King James's minority, and after that prince himſelf aſſumed the reins of government, had, very likely, an effect upon their being the more diſpoſed to declare for this plan.

It is to be remembered, that in Scotland the feudal government was then in full force, and the body of the nation therefore under bondage to their lords. Beſides, the generality, yet in a rude and uncultivated ſtate, could very little be depended upon, in matters of religion, for the exertion of that liberty which was aſcertained to them, in the firſt book of diſcipline, whatever pains had been uſed to enure them to the exerciſe of it †. — Upon the miniſters therefore, aided by the citizens in the great towns, and the middle rank of men, did the weight of the defence of the true religion and liberty lie, againſt the arbitrary deſigns of the

* In July 1574, five years before the ſecond book of diſcipline was completed, he returned to Scotland, after ten years abſence, having been a regent at Poictiers and Geneva during that time. Beza, in his letter to the general aſſembly concerning him, wrote, "that the greateſt token of affection the kirk of Geneva could "ſhew to Scotland, was, that they ſuffered themſelves to be "ſpoiled of Mr Melvin, that thereby the kirk of Scotland may "be enriched." Chuſing an univerſity-life, he was immediately made Principal of the college of Glaſgow, and put upon the commiſſion for compoſing the ſecond book of diſcipline, and employed in all tranſactions concerning it ever after. *Calderwood, p.* 66. 67.

† Calderwood, p. 30.

court, and covetous practices of the barons, for appropriating to themſelves the eccleſiaſtical revenues, which they who ſtood for the furtherance of reformation, wiſhed to have employed for its ſupport, and other laudable purpoſes.

Neither were there ſome wanting among the miniſters themſelves, who, for unworthy and contemptible conſiderations, were ready to yield to the corrupt deſigns of the court, and great men. Yet it was clear to thoſe who remained untainted, that in no hands could a right ſucceſſion in the miniſtry be ſo well ſecured as in the body of the clergy, who generally ſtood, in theſe days, firm to its beſt intereſts; and therefore they were the more thoroughly attached to the ſcheme of the election of miniſters by preſbyteries, adjecting at the ſame time the *conſent*, *aſſent*, and *will* (words of the ſame import, and variouſly uſed with the ſame intention) of congregations, as neceſſary, according to a fundamental principle with them, in order to eſtabliſh a paſtoral relation between the ordained and their congregations.

That ſuch was the ſtate of things in Scotland at the period of forming and eſtabliſhing the ſecond book of diſcipline, is evident from the moſt authentic authorities.

So early as at Queen Mary's return to Scotland, Mr Knox ſays, he "obſerved a great coldneſs among moſt "of the nobility with reſpect to religion, and found "few of them to whom he could open his mind with "confidence upon that ſubject." Of this ſituation of affairs we are likewiſe diſtinctly informed by Mr Calderwood, who writes, "that, at the general aſſembly "held in December after the Queen's arrival, the "profeſſors who ruled the court, began to withdraw "themſelves from their brethren, and alſo to with-"draw other lords." All acquainted with the hiſtory of theſe times know that this ſpirit ſeldom abated, unleſs (as is uſual with political men) when the aid of the miniſters became neceſſary to their affairs, they were then apt to appear more favourable to them. A letter of Mr Andrew Melvin to Beza, in

1579,

1579 *, preſerved by Petrie †, gives us a clear and genuine account of the ſtate of affairs at this period, under Morton's regency, and Arran's adminiſtration. This is in part confirmed too by Lord Kaims (10th hiſtorical note at the end of his ſtatute-law), in theſe words: "During the Earl of Arran's ad-"miniſtration, James VI. was entirely in the in-"tereſts of France; but, after the fall of that fa-"vourite in 1587, the King eſpouſed meaſures that "were more agreeable to the nation. Among other "articles, it was ſeriouſly reſolved to eſtabliſh Preſby-"terian church-government. And to make this ſtep, the "rich church-lands were a prevailing motive, which "were to accrue to the crown by the abolition of E-"piſcopacy. Accordingly this very year the church-"lands were annexed to the crown."

This favourable diſpoſition to Preſbytery and the true intereſts of religion, did not however continue long. The ſtruggle was afterwards revived between its friends and the court, with double violence; of which we have a very fair relation by Biſhop Burnet ‡, who ſays, "That a great defect runs through Spottiſwood's "hiſtory, where much of the rude oppoſition that "King James met with, particularly from the aſſem-

* We have not ceaſed theſe five years, ſaith Mr Melvin, (*i. e.* from his return to Scotland July 1574), to fight againſt pſeudo-epiſcopacy, (many of the nobility reſiſting us), and to preſs the ſeverity of diſcipline. We have preſented unto his Royal Majeſty, and the three eſtates of the realm, both before and now in this parliament, the form of diſcipline (*i. e.* the ſecond book) to be inſert among the laws, and to be confirmed by public authority. We have the King's mind bended towards us: (N. B. he ſhewed himſelf favourable this way in the years 1579 and 1581, before Arran's miniſtry); but many of the peers are againſt us. For they allege, if pſeudo epiſcopacy be taken away, one of the eſtates is pulled down; if Preſbytery is erected, the Royal Majeſty is diminiſhed; if church-goods be reſtored to their lawful uſe, the King's treaſure is emptied. Seeing the biſhops, with abbots and priors, make up the third eſtate, and all juriſdiction, both eccleſiaſtical and political, belongeth to the King's council, and things eccleſiaſtical ſhould by their ſentence belong to the king's treaſure. That they do ſpeak or think ſo, the cauſe in many is ignorance, in others a wicked life and evil manners, and in many a deſire to catch at the goods of the church which yet remain, or fear of loſing what they have taken.

† Hiſt. p. 401.

‡ Near the beginning of the hiſtory of his own times.

" blies of the kirk, is ſet forth; but the true ground " of the jealouſies they were poſſeſſed with, is ſup- " preſſed by him, namely, his ſickleneſs in religion: " the favour he ſhewed, and the employments he gave " to the Catholics," (which the Biſhop ſets forth at large), " created ſuſpicions, that produced that oppo- " ſition, and many diſguſts to the true Proteſtants; and " as the miniſters appeared moſt in thoſe ſtruggles, he " often made them feel the weight of his vengeance."

In this ſcene, then, our worthy anceſtors had their part to act. Strenuous to tranſmit to poſterity the pure religion they had embraced, they were the more diſpoſed to put the election of miniſters into thoſe hands which, experience had taught them, were, upon the whole, moſt faithful to its true intereſts.

As however, in the proſecution of this ſubject, there will be occaſion to lay much weight upon this fact, that the miniſters adhered tenaciouſly to this principle, " That " the power of election belonged to them," it is neceſſary to produce further evidence of its truth. We therefore obſerve,

That, in 1571, the aſſembly, among other articles concerning church-matters, propoſe to the Regent, that *election*, examination, and admiſſion of thoſe that are to be admitted to the miniſtry, ſhould belong to the judgment of the kirk *.

In 1576, it is agreed, that the viſitor, with the advice of the miniſters of the provincial aſſemblies, appoint the miniſters, " with the conſent of the people," to whom ſuch ſhall be appointed miniſter.

In 1585, among the obſervations upon offences conceived at the acts of parliament (during Arran's miniſtry) preſented, by the commiſſioners of the kirk, to the King's Majeſty, at his deſire, it is complained, that " the judgment of the preſbytery," (the word which, in the ſecond book of diſcipline, is made uſe of to expreſs the election of miniſters by the elderſhip, or preſbytery), " and their juriſdiction is thereby taken away, " and is a great impairing of the liberty of the kirk," &c.—Afterwards they obſerve, " that, in the firſt year " of his Majeſty's reign (1567), there is an act ratify-

* Calderwood, p. 47.

" ing

" ing the authority of the aſſembly, and deſire appella-
" tions (appeals) to be devolved to the ſame, as to the
" laſt judgment, in matters concerning the kirk;" adding, " the ſame argument we uſe for other aſſemblies,
" as well particular, and of preſbyteries, and of pro-
" vincial, by the parity of reaſon, and good grounds
" out of the word of God."

In 1586, when the King, under Arran's influence, was puſhing the affair of biſhops, he held a conference with ſome miniſters appointed by the council, (tho' apparently, ſaith Calderwood, ſuch only as he ſent for); in which among other articles this is one, " That the
" biſhop was to have a ſenate or preſbytery, of the moſt
" learned and godly miniſters, who ſhould receive pre-
" ſentations for miniſters; by their advice he was to
" proceed to trial and collation; which collation ſhall
" be ſubſcribed by the biſhop and greateſt part of the
" ſenate or preſbytery, in an aſſembly lawfully convened." So that the clergy's having the title of judging and ſettling of miniſters, ſeems to have then univerſally obtained amongſt them, even with ſuch as were moſt complaiſant to the court and its meaſures, and although preſentations at that time took place.

In 1591, there is a remarkable caſe illuſtrating this prevailing notion. In the ſettlement of Leuchars *, Mr Thomas Buchanan at the head of one part of the preſbytery of St Andrews, and others with Mr Andrew Melvin, voted for different candidates, ſeveral heritors taking part with each. The diſſenſion was ſo hot, that commiſſioners were ſent from Lothian to judge in it. They ſet both candidates aſide, and erected a preſbytery at Coupar, that thereby new ſtriſes might not ariſe between parties ſo inflamed. Here it is obſervable, that the miniſters are not ſaid to have ſupported the election of the heritors, but the heritors that of the miniſters.

In 1597, the King ſet forth many queſtions concerning eccleſiaſtical affairs, that, by receiving anſwers from all, a ſettlement might be formed that ſhould be permanent. Among them this is one; " Is not the con-
" ſent of the flock, and alſo of the patron, neceſ-
" ſary in electing paſtors?" The anſwer from the

* Spottiſwood, p. 385.

ſynod

ſynod of Fife by their committee of two out of each preſbytery, appointed to conſider them, is upon this point clear and explicit; namely, "That the election "of paſtors ſhould be made by thoſe who are paſtors "and doctors lawfully called, and who can try the "gifts neceſſary and belonging to paſtors, by the "word of God; and to ſuch as are ſo choſen, the "flock and patron ſhould give their protection and "conſent;" *i. e.* the patron his protection, and the flock their conſent. This needs no commentary. The principle is fully expreſſed.

It is cited as an evidence of the church's approbation of patronage by the author of Obſervations on the overture, "That, in 1596, the aſſembly ordained, that "when the *jus devolutum* fell into the hands of the "preſbytery, they ſhould grant a preſentation to one to "fill up the vacancy, and that under the pain of de-"privation." But in conſulting Petrie's hiſtory *, whence this is cited, that paſſage is only a confirmation of the poſition we are now eſtabliſhing, *viz.* That, in the judgment of the church at that time, the preſbyteries ought to ſettle pariſhes by their own choice. The caſe ſtood thus. There was then a great penury of miniſters, particularly for want of ſupport to them; and the commiſſioners of the conſtant plat, who had the care of providing the incumbents with ſtipends, propoſed to the aſſembly, who approved of the propoſition,—that when the *jus devolutum* fell into preſbyteries hands, inſtead of allowing pariſhes to vaik, they ſhould ſupply them; and the moderators were to grant preſentations, by the direction and power of the plat, to entitle them to ſtipend; which it ſeems ſome actual miniſters who ſerved in pariſhes, had no title to, from their not having preſentations; for it is ſaid, "And if there be not actual "miniſters preſently at the ſaid churches, then the mo-"derators were to find out others." This means nothing elſe, than that preſbyteries were to elect miniſters, and the moderators, according to their office, were to give the elected preſentations, that by law the admitted might be entitled to the benefices. The whole confirms the principle, that election ſhould be in the preſbytery, but is no evidence of their approbation of laic patronages.

* p. 517.

Thus

Thus the expreſs words of the ſecond book of diſcipline.—And the declarations of its authors upon other occaſions concerning the election of miniſters, plainly diſcover their ſentiments upon this ſubject,—That the right ought to be veſted in the preſbytery to elect, and conſent reſerved as a negative to the congregation, without which no ſettlement ſhould proceed: and in ſo far they differed from the principle in the firſt book, where it is eſtabliſhed, that, in the firſt inſtance, the people ſhould elect, and the preſbytery after this election try and admit.—But in order to clear our way to the uſe we are to make of this poſition, it will be proper to examine into the truth of an aſſertion by the friends of patronage, That from the beginning of the reformation the church favoured it;—and this ſhall be attempted in the following chapter.

CHAP. V.

Of the ſentiments of the church concerning patronage, from the reformation.

A More particular inquiry into this ſubject is neceſſary, becauſe, as above hinted, notions are now propagated by the friends of patronage, "That from the beginning "of the reformation the church favoured it; — That "* it ſeems to be undoubted, that it was the abuſe of "patronage, rather than patronage itſelf, which ſhe "guarded againſt, at that (our firſt) period, with ſuch a "laudable perſeverance: — And that even the ſtrong "paragraph againſt it in the ſecond book of diſcipline, "is ſo to be underſtood." All which is endeavoured to be proved at conſiderable length from p. 36. and downward of the Obſervations on the overture.

Let us attend then to this extraordinary doctrine. It is certainly new, nor before theſe times dreamed of, either by the friends or enemies of the church of Scotland. Not by her friends ſure, as one document may fully prove, namely, that when Mr Carſtares, and other commiſſioners from the church, preſented their memorial to the Queen againſt the reſtoration of patronages in 1712, this is one of the leading facts upon which

* Obſervations on the overture, p. 45.

their

their pleadings are founded; "That, from our firſt "reformation from Popery, patronages have been rec- "koned a yoke and ſervitude upon the church of Scot- "land, as is declared by the firſt and ſecond book of "diſcipline publiſhed ſoon after the reformation; ſince "which time they have been ſtill judged a grievance." This teſtimony is deciſive as to friends: and with regard to adverſaries,—it cannot be denied, that Biſhop Burnet was an adverſary, I had almoſt ſaid to bigotry, againſt Preſbytery, or that any adverſary was better acquain ted with our principles or hiſtory:—Yet he, upon the ſame occaſion that Mr Carſtares and his brethren made the above repreſentation, ſays *, "Patronages had been "taken away in King William's reign. It was ſet up "by the Preſbyterians, from their firſt beginning, as a "principle, That pariſhes had, from warrant in ſcrip- "ture, a right to chuſe their miniſters; ſo that they "had always looked on the right of patronage, as an "invaſion made on that. It was therefore urged, that "ſince, by the act of union, Preſbytery, with all its "rights and privileges, was unalterably ſecured, and "ſince their kirk-ſeſſion was a branch of their conſti- "tution, taking from them the right of chuſing their "miniſters, was contrary to that act."

Is one then too forward when he aſſerts, after ſuch evidence of the ſettled unvaried principle of this church being againſt patronage itſelf, "that it muſt either pro- "ceed from ignorance, or a worſe motive, to aver, that "not patronage itſelf, but only its abuſe, was the aver- "ſion of our reformers, and of our church?"

The fact might be reſted upon the above evidence. Yet as the point itſelf is material, and the very artful repreſentation of it, in the Obſervations on the overture, may catch and impreſs the unwary; it becomes neceſ- ſary to attend more particularly to it, in order to do juſtice to truth, and to the genuine ſentiments of our ve- nerable anceſtors, on this head.

One would have thought the laying down in ſo po- ſitive a manner the principle in the firſt book of diſci- pline, "That election belonged to the people," which certainly is ſubverſive of the patron's power, had been

* Hiſtory of his own times, *ad an.* 1711.

ſufficient

ſufficient to have put beyond controverſy, " that its " authors, and the aſſemblies who approved it, were " not friends to patronage." And ſo indeed men that are impartial, and otherwiſe well informed in theſe matters, have underſtood it. Mr Calderwood, as competent a judge as any other that can be named, illuſtrating the firſt book of diſcipline, thus writes *: " In " the fourth head they acknowledge it is altogether to " be avoided, that any man be thruſt violently upon " the congregation; no mention here of preſentation " by a patron.—They require that the miniſter be ad- " mitted in preſence of the people." Yet in the Obſervations on the overture †, after reciting this principle, the following extraordinary propoſition is brought forth: " In this, however, there is nothing inconſiſtent with the " power of patrons; for the preſentee might be both e- " lected by the people, and approved by the miniſters." True. But will this author reſt here, and admit the preſentation ſhould have operation only when both theſe are found? If this were eſtabliſhed, I ſuppoſe many of our diſputes would come to an end; and patronage might be then a very harmleſs thing: But this were departing from his poſitions elſewhere, as in p. 4. " That the oppoſition of " the people ought not to impede the ſettlement" of a preſentee; a propoſition moſt diametrically oppoſite to the powers aſſigned to congregations by the firſt book of diſcipline, and to the intention of his own ſuppoſition now recited.

To ſupport his argument, however, he ſays, his ſuppoſition (" That the reformers were no enemies to patron- " age") does not reſt upon conjecture; and, from the treatiſe of electing ſuperintendants, of the ſame date with the firſt book of diſcipline, (which was, he juſtly adds, the form to be uſed in electing other miniſters), ſpecifies an inſtance, in proof of his aſſertion, where Mr Knox preſided, and declared to the meeting, " That the lords of ſecret " council had given charge and power to the churches of " Louthian, to chuſe Mr Spottiſwood ſuperintendant."

But here, it is obvious, there was no preſentation; nor could there, upon any principle regarding patronage, be any ſuch thing as a patron for a ſuperintendant. It was nothing elſe, but, in that critical time, the judgment of the heads of the Proteſtant intereſt,

* Hiſtory, p. 26. † page 37. then

then in council, ſtrongly declared in a free election, in favour of a man of eminence, to fill the temporary office of ſuperintendant for Lothian. The proceedings at that election ſhew it to be no more; ſince it is evident, that " this nomination and charge to " chuſe" Mr Spottiſwood, had no other effect upon the concerned (who, by the hiſtory given of the tranſaction, were of all ranks, and called from all corners of many counties), than the weight ſuch an opinion might have upon them. That it was intended no farther, is clear by the fair queſtion put to the whole aſſembly, " Gif " there wes any uther whom they wald put in elec- " tioun with the ſaid Mr John ?" Is this name or thing, matter or form of a preſentation ? What an obligation would the enemies of patronage have to this author and his friends, would they appear for bringing patronage to this ſtate ! Will they admit of ſuch unlimited moderations ; or allow that they are conſiſtent with patronage ?

Willing, however, to bring every ſhadow of argument in ſupport of this favourite cauſe, and ſenſible that the above inſtance would but feebly ſtrengthen it, he proceeds to what ſo much ſtreſs is laid upon, namely, the repreſentation of the aſſembly 1565 to the Queen; wherein it is declared, " That it was not the mind of " the aſſembly, that her Majeſty, or any other patron, " ſhould be defrauded of their juſt patronages."

Explicit as this declaration ſeems to be, there are a few obſervations that ought to be made, in order to come at its true import. As,

1. That taking it in the moſt favourable ſenſe for the purpoſe of patronage, and of the ſentiments of our reformers concerning it, it is carefully to be adverted to, that patronage " now" is a much more formidable thing than it was in the beginning of our reformation. There were, then, a great number of the churches in Scotland, neither in the diſpoſal of the crown, nor other lay-patrons: but having been, in times of Popery, in the hands of churchmen and religious houſes, " then" diſſolved, were all in the hands of the church, not yet ſeized on by the crown, nor arbitrarily by ſcores diſpoſed of, as afterwards, by it, to ſubjects. This is a moſt eſſential circumſtance in this argument, and

not

not unnoticed by the aſſembly even in this repreſentation, when they mention "juſt patrons *." So that between thoſe in the poſſeſſion of prelates, religious houſes, and the churches called common, it is doubtful if the half of Scotland was not free from what was included in the meaning of the aſſembly 1565. An eſſential difference this, between the "then," and the preſent ſituation, when no church is left free, but all ſubjected to this bondage.— And conſidering the tickliſh ſtate the true friends of the reformation were in at this period, when their determined enemy the Queen was in her higheſt power, it is no ſurpriſe they acted

* Though, as formerly hath been obſerved, at this time (as Sir George Mackenzie remarks) the many eccleſiaſtical patronages belonging to religious houſes, were ſo unjuſtly and illegally given to court-favourites; yet, even after that large deduction, there were ſtill many remaining with the church, for a long period after that injurious pillage; as is clear from the forecited act of aſſembly 1642, ſeſſ. 7. 3d Aug. which, *inter alia*, ſays, "That "ſome were ſeeking gifts of patronage to biſhops kirks, which "are declared to belong to preſbyteries, to be planted, by two "acts of the late parliament, the ſaid lords (of exchequer) have "ordained that no ſignator, containing gifts of patronage from "his Majeſty, ſhall paſs hereafter, but with a ſpecial proviſion, "that the ſame ſhall be liable to the tenor of his Majeſty's de"claration; ordaining alſo the procurator and agent for the kirk "to be advertiſed, and to have place to ſee all ſignators whatſo"ever, containing any patronage, to the effect they may repre"ſent the intereſt of the kirk therein; as the ſaid act, of the "date of the 27th of June laſt, regiſtrate alſo in the books of the "aſſembly this day, at length bears."—Afterwards, "Therefore "the aſſembly ordains, for their better information hereanent, "that every preſbytery, with all diligence, uſe all means of ex"act trial of the nature and quality of all kirks within their "bounds, as what kirks belonged to the King's Majeſty's pa"tronage, what to other laic patronages, what kirks of old "were planted by the preſbyteries, and what by prelates and "biſhops, before the aſſembly at Glaſgow 1638, what hath been "the way and time of the change of the planting and providing "of the kirks, if any have been changed, or any other thing "concerning the nature and quality of every kirk within their "bounds, and to ſend the ſame to the procurator of the kirk with "all diligence."—In 1647 it is again among the aſſembly's inſtructions to preſbyteries, that they ſend up liſts "what kirks are "under patrons, what not."

This vigour diſcovered a ſpirit worthy of an aſſembly, wiſhing to preſerve all poſſible liberty to the church; and eſtabliſhes a fact beyond all queſtion, that many churches were ſtill free from the oppreſſion of lay-patronage, and in the church's hands, as ſucceeding to the churchmen in whoſe right they were, after the reformation.

with great prudence in inſiſting as little as poſſible on points, it was obvious, they could not prevail in, and when with great difficulty they could hold what they had already got. But this declaration is far from giving up with what was contained in the firſt book of diſcipline as their avowed principle, in regard to the ſettlement of miniſters: the rather that,

2. By a fair conſtruction of the account given by Petrie *, as referred to in the Obſervations on the overture, this declaration of the aſſembly hath properly no reſpect to the final ſettlement of miniſters by virtue of preſentations. A preſentation in theſe days had an eſſential connection with the whole fruits of the old benefices, and gave right to them only. The church claimed and ſtruggled, that theſe, as the patrimony of the church, ſhould be beſtowed, as for the ſupport of the miniſtry, ſo for other pious uſes. Inſtead of employing them thus, vaiking benefices had been granted to noblemen and barons, as one in Carrick had, at that preciſe time, been given to the Laird of Skeldrum, which gave occaſion to this altercation with the court. The Queen and her council (as our author would have it) did not in the leaſt miſtake the intention of the aſſembly's meſſage; but as they had good reaſon, avoiding a direct anſwer to a charge of ſo groſs a miſapplication of church-revenues, which fruſtrated the whole intention of endowment, made the reply upon the general point in conteſt with the church, concerning the fruits of benefices; "That her Majeſty thinks it no-"way reaſonable, that ſhe ſhould defraud herſelf of "ſo great a patrimony of the crown, as the patronage "of benefices, forth of her hands; for her neceſſity "in her port and common charges will require the re-"tention thereof, and that in a good part, in her own "hands. Nevertheleſs her Majeſty is well pleaſed, "that conſideration being had of her own neceſſity, "and what may be ſufficient for the reaſonable ſuſten-"tation of the miniſtry, a ſpecial aſſignation be made "to them, in places moſt commodious, with which "her Majeſty will not meddle, but ſuffer it to come to "them." It is clear as the light from this, what was

* p. 343.

the

the object in view, upon this queſtion between the court and the aſſembly, namely, the aſcertaining a right to the benefices. The court, ſo far from an intention to aſſert the right of preſenting miniſters to pariſhes, rather ſeem to mean to avoid giving them preſentations, as theſe entitled to more than they were diſpoſed to part with; and therefore, inſtead of ſaying preſentations ſhall be granted, or inſiſted upon, in order to ſettlement, they take no notice of ſettlements at all; and inſtead of preſentations, mention only "ſpecial aſſignations to be granted, for the reaſonable ſuſtentation "of the miniſtry," and that not ſo much as in the pariſh to which the miniſter is ordained, but in "places moſt "commodious." From this it is ſubmitted, whether preſentations were in much uſe to be given at that period, or rather whether the church did not wholly ſettle by their own rules, and the ordained only received ſuch aſſignations, (and very ſcanty we know they were), for their ſupport? However this may be, the aſſembly replied to the above declaration from the Queen in her own language, that their intention was not to defraud patrons of their juſt rights of patronage; but keeping to their argument, as to the caſe of Skeldrum and other laymen, to whom preſentation to benefices had been given, inſiſt, that preſbyteries were greatly injured thereby in their rights, when any poſſeſſed them without their trial and collation: And further, were it thus put in the patrons power, ſimply to preſent whom they pleaſed, there ſhould be no order in the church, but all be filled with ignorance and confuſion. After which, in a moſt ſolemn manner, they expoſtulate with her Majeſty, concerning her reſolution of retaining for her own uſe, the benefices to which patronages gave her the title; concluding with thanks for her promiſe to ſupport them, which was by ſpecial aſſignations.

In this true light of the matter, can it be fairly inferred, that the ſentiments of the men (yet alive, as our author obſerves) who compoſed the firſt book of diſcipline, were now in favour of patronage, and changed ſo ſoon from the poſitive principles they in that treatiſe had laid down, on a plan ſo inconſiſtent with, and ſubverſive of it? On what occaſion had they appeared ſo

unſteady? Or had they, ſince the 1560, been ſo ſweetened and favoured by the court and great men, as to induce them to increaſe their power, in what ſo nearly concerned the ſucceſs of religion they ſtood for? The direct contrary is the truth; as, ever ſince that period, they had been in ſtated controverſy with them, and in particular concerning the uſe that benefices, to which preſentations gave right, ſhould be put to. And on this occaſion, as the conteſt was not at all concerning ſettlements in general, and the conſideration that others ſhould have in making them; but ſolely upon one ſpecies of groſs abuſe then going on, of which the caſe of Skeldrum was a glaring inſtance; it was enough for their preſent purpoſe, to oppoſe to it, the injury that was therein done to religion, and to themſelves, as entitled to try and collate all poſſeſſing benefices by ſuch illicit and unhallowed donations.

The attempt is vain, therefore, to bring this declaration, ſo occaſioned and intended, as "needing no "commentary," as this author ſpeaks, in proof of the reformers in aſſembly being favourers of patronage. They were the fartheſt from it. They had preſented to parliament principles as to ſettlements perfectly oppoſite to it;— they ceaſed not in their endeavours to have theſe eſtabliſhed.—In the mean time, as in a proper place ſhall be obſerved, they were in fact going on in ſettlements upon their own plan; — were ſucceſsful in their unwearied endeavours, two years after this, when tho' patronage was not, according to their wiſhes, aboliſhed, yet to procure an act of parliament, by which, notwithſtanding there were actual preſentations, the judicatories were veſted with powers, whereby, except they ſaw good, they were not to take effect as to the ſettlement of preſentees. Were theſe the deeds of men that approved of patronages? Is it conſiſtent with candour to impute ſuch palpable inconſiſtencies, to perſons ſo eminent for acuteneſs, ſteadineſs, and foreſight? who never loſt ſight of their object, the promoting of religion, and, in order to that, the liberty of the church, to an extent few have ideas of now; and to which they were kept continually awake, by a powerful party, who, by this and other means, wanted to bring them into bondage!

bondage! The more this declaration is conſidered in all its connections, the more it will appear, to the impartial, to have had no intention by the aſſembly, to approve of patronage in general, as a method of ſettling miniſters, but uſed in this inſtance for quite another purpoſe. It is only when detached and miſunderſtood, that it is by the ſound, not the true import of the words, dragged into the ſervice of a cauſe, to which they who preferred it to the Queen, upon the preſent emergency, were certainly averſe.

Neither does another argument urged by this author *, to prove that our reformers were no enemies to patronage, in the leaſt avail to this end, but rather eſtabliſheth what he would deſtroy. From the firſt book of diſcipline, § 1. he cites a paragraph, declaring, that "the church did not judge it to be violent intruſion, "when the council of the church, in the fear of God, "and for the ſalvation of the people, offereth them a "ſufficient man to inſtruct them, whom they ſhall not "be forced to admit before juſt examination, as be"fore is ſaid." Nothing can appear more extraordinary than the adducing this paſſage to prove in general, "that the compilers of this book favoured pa"tronage," or, as he infers, that, with them, "the "being agreeable to the people was no eſſential qualifi"cation in a clergyman." Than this argument, and the conſequence drawn from it, nothing can be more obviouſly uncandid, as is evident by conſidering, that this is the very chapter where, in the moſt explicit terms, the fundamental principle as to ſettlements is laid down, That "it appertaineth to the people, and to every congre"gation, to elect their miniſter.—And only in caſe they "be negligent, then the church may preſent unto them "a man apt to feed the flock,"—and even after the time fixed for the ſupply in a vacancy hath elapſed. § 4. "If the council of the church preſents a man to be "their miniſter, not knowing they are otherwiſe pro"vided, in the mean time the church is provided of "another, ſufficient in their judgment for that charge, "whom they preſent to the learned miniſters, and next "reformed church (preſbyteries were not then ſettled)

* Obſervations on the Overture, p. 40.

" to be examined: In this caſe the preſentation of the " people muſt be preferred to the preſentation of the " council." And then both principles are diſtinctly laid down. " For altogether this is to be avoided, " that any man be violently intruded, or thruſt in " upon any congregation; but this liberty with " all care to be reſerved to every ſeveral church, " to have their votes and ſuffrages in election of " their miniſters: But violent intruſion we call " not," &c. as above. This exception is evidently to take place only when the particular congregation is *in mora*, or unwilling perhaps, as in Popiſh or otherwiſe diſaffected pariſhes, to have a Proteſtant miniſter, when it was the principle of the church to ſend them a paſtor by her own authority. But, like other exceptions, this one confirms the firſt and general rule. How unjuſtifiable is it thus to apply language intended for one caſe, to another *toto cælo* different from, nay oppoſite to it? This fallacy is only exceeded by the ſurpriſing and groundleſs concluſion this author makes, from what he had thus ſo ill applied to his argument *, that " if it ſhould be objected, the people " might act otherwiſe, it is anſwered, that if ever they " did ſo, this was contrary to the opinion of their leaders, " which is ſufficient to the purpoſe now in view." — Their leaders had ſolemnly eſtabliſhed their title to elect, —declared it to be utterly wrong to deprive them of this privilege, — called, enured, and authoriſed them to uſe it; and only took the matter into their own hands, when they criminally neglected, or refuſed to preſent the miniſter of their choice to them for trial and approbation,—when, rather than they ſhould want a teacher and miniſter of ſalvation, they themſelves would ſend one to them. What ſort of underſtandings can this writer think readers are poſſeſſed of, that he can allow himſelf to imagine, but for one moment, they can be impoſed upon by ſuch obvious fallacy; and, from this abuſed paragraph in the firſt book of diſcipline, be perſuaded, that patronage was agreeable to the authors of this book, either in lay or churchmens hands; or that a miniſter being agreeable or not to the people, was an

* p. 40.

indifferent,

indifferent, or not eſſential point with them, in a ſettlement?

But this author had more to do before his ſurpriſing hypotheſis, "That our reformers favoured preſentations," could be eſtabliſhed. The ſecond book of diſcipline hath in very explicit and ſtrong terms declared againſt them, in the well-known paſſage, chap. 12. § 10. in theſe words. "And becauſe this order, (*i. e.* "the liberty of the election of paſtors,—ſwa that nane "be intruſit upon ony congregation,—without lawfull "election, and the aſſent of the people owir quham the "perſon is placit, as the practiſe of the apoſtolical "and primitive kirk, and gude order craves," § 9.), "quhilk God's word craves, cannot ſtand with patronages, and preſentation to benefices, uſit in the Paipe's "kirk; we deſire all them that trewlie feir God earneſtly to conſider, that for ſwa meikle as the names "of patronages and benefices, togither with the effect "thairof, have flowit fra the Paip, and corruption "of the Canon law only, in ſo far as thereby ony perſon was intruſit or placit owir kirks having *curam animarum*. And for ſwa meikle as that manner of "proceeding hes na ground in the word of God, but "is contrar to the ſame, and to the ſaid libertie of "election, they aucht not now to have place in this "licht of reformation. And therefore quhaſumever "will embrace God's word, and deſyre the kingdom "of his Son Chriſt Jeſus to be advancit, they will alſo "embrace and receive that policie and order quhilk "the word of God, and upright eſtait of his kirk craves, "otherwiſe it is in vaine that they have profeſt the ſame."

An unbiaſſed reader would think this paſſage perfectly deciſive concerning the ſentiments of our reformers, as abhorrent of patronage; and that a ſtronger appellation than weakneſs may with juſtice be applied to this author's endeavours to conceal and diſguiſe the true and obvious meaning of this clear declaration againſt it.

At conſiderable length he ſets forth, the covetous and oppreſſive methods that Morton uſed to get the church-revenues into his own and his favourites hands, and the mean and unworthy men he found, who, for trifling ſalaries, complied to take the names of dignified

fied clergymen, in order to ſerve his purpoſes in parliament, while the great profits came into his private purſe. All this is true; and reflections can hardly be too ſevere upon a conduct ſo baſely criminal. But in order to lay a foundation for his partial explanation of the above paſſage, to aſſert as he does *, "that theſe were "the circumſtances which gave riſe to the ſecond book "of diſcipline, approved by the aſſembly 1578," is aſtoniſhing indeed! It is impoſſible, after an attentive peruſal of this performance, to pay ſo ill a compliment to the author's knowledge of hiſtory, where-ever elſe the reflection may light, as to ſay he was ignorant, that long before Morton's regency, or thoſe bad practices he ſo well repreſents, this book was undertaken in the moſt public manner, even ſo early as 1563 †. What an impoſition, then, is it to aſſert ‡, "That theſe "were the circumſtances which gave riſe" to the ſecond book of diſcipline? What arts will not ſome men uſe to make a tale plauſible, in order to ſerve the purpoſes of a party and favourite cauſe?

The more candid account of the matter ſeems to be, That while in the firſt book of diſcipline, at the dawn of the ſettlement of reformation, its compilers laid down, according to their beſt views, the ſcriptural principles relating to ſettlements, in prudence they did not expreſsly ſtrike out againſt patronages, being full of hopes their policy, as well as their confeſſion of faith, would be publicly accepted and eſtabliſhed; ſenſible, that if therein

* Obſervations on the overture, p. 43.

† Calderwood, p. 25. tells us, the firſt book of diſcipline was accommodated to the time in ſome points, and liberty was reſerved to poſterity to eſtabliſh a more perfect ſyſtem, as you ſee in Mr Knox's hiſtory;—the policy of the kirk being ſo maimed before, in the time of Popery, it could not be altogether repaired in haſte.

Accordingly, in aſſembly 1563 (p. 33.) in the fourth ſeſſion, it was thought needful, for further confirmation of the book of diſcipline, that the Earl of Marſhal, Lord Ruthven, *&c.* or any three or four of them, ſhould reviſe the ſaid book, conſider diligently the contents thereof, ſet down their judgments in writ, and report the ſame to the aſſembly, or, if a parliament be holden in the mean time, to the lords of the articles; and that they begin immediately,—and thereafter continue till the ſaid book be thoroughly reviſed. — In ſubſequent aſſemblies we find yearly appointments for the ſame end, in 1564, 1566, 1567, 1568, 1569, 1570, and ſo afterwards.

‡ p. 43.

they

they ſucceeded, patronage, at leaſt as to all its hardſhip, would fall of courſe. In this however being diſappointed, in forming the ſecond book, they found it not only, as formerly, their duty to lay down their notions poſitively concerning the plan for ſettlements, that ought to obtain; but from the evils, which in part they had ſeen, and others they foreſaw would attend the continuance of this bondage, they likewiſe thought it neceſſary to declare, in direct and ſtrong terms, againſt its exiſtence in the church at all, and that, as a part of the abominations of Popery, and repugnant to the word of God and the true liberty of the church, it ought to be totally removed.

Nothing can poſſibly appear more diſingenuous than the whole ſtrictures of this author, to ſupport his arbitrary meaning of this paſſage, and of the conduct of our reformers relating to it. After aſſerting *, "That "Morton's abuſes bore too ſtriking a reſemblance to ab- "uſes of a ſimilar nature in the time of Popery, and "therefore the compilers inveigh againſt patronage, and "preſentation to benefices uſit in the Paipe's kirk," as if theſe were all they ſtruck at by this ſtrong declaration: —yet conſcious it admitted of a higher meaning, ſays, there would be reaſon in that caſe, "to conjecture "they advanced theſe high pretenſions with no other "view than to obtain the privilege claimed in the "year 1565, and ſecured by act of parliament 1567." He means, that while they were for patronages remaining, the title to try the intrant ſhould remain with them. —But if this conjecture was all this declaration intended, to what purpoſe frame it ſo diſtinctly for quite another purpoſe, even the abolition of patronage itſelf?— And to what purpoſe offer ſuch a declaration, to obtain what he allows was ſecured to them already by act of parliament 1567, which there never had been the ſmalleſt attempt to deprive them of; and which, in other parts of this ſame book †, they had aſſerted to be their right in the cleareſt terms? This whole commentary is abſurd to the laſt degree.

"That this however," adds he, "was in reality the "great aim of the church at this time, is extremely "probable, or rather abſolutely certain." Let us conſi-

* p. 44. † See Petrie, p. 398.

der

der his mediums for eſtabliſhing this certainty *. "A "good reaſon (ſaith he) cannot be aſſigned why they "ſhould depart totally from the principles of the law, "and the ſentiments of their predeceſſors on this ſub- "ject, when placed in ſimilar circumſtances with "them." The truth of their predeceſſors being for patronages is, as above, utterly denied. They had ſtruggled, and were more and more ſtruggling againſt what was at preſent eſtabliſhed by law, as inconſiſtent both with their predeceſſors, and their own principles, explicitly declared.—As to the ſupplications which he mentions as preſented formerly, and particularly in the year 1578, "That preſentations be directed to the com- "miſſioners of the counties where the benefices lie;" at that time the church was not legally divided into preſby- teries, and the eccleſiaſtics that had the overſight of counties, are called commiſſioners; and the intention of the aſſembly was, that as theſe commiſſioners were the fitteſt judges of the propriety of the ſettlements of par- ticular miniſters, in this or the other congregation, ac- cording to the rights veſted in judicatories by act of parliament 1567; ſo preſentations ſhould be directed to them for that end, rather than to the biſhops, at this time under Morton's patronage, claiming that and other powers.—As to the anſwer of the aſſembly to the King, deſiring to know the form of a preſentation, "That candidates ought to be preferred according to "their merits and age; and always the laic patron- "ages to remain whole, and unjointed or undivided, "unleſs it be with conſent of the patron; and that they "be directed to preſbyteries;" nothing leſs is the inten- tion of the aſſembly than thereby to approve of patron- age. This was one of the ſeaſons, when, in the language of Mr Andrew Melvin in his letter to Beza, the King's mind was favourably bended to the church. It was then, that, with his conſent, preſbyteries were ſettled through the whole kingdom, inſtead of the former commiſſioners, which the aſſembly found tended to cor- ruption. Many other favours were granted.—In par- ticular, in anſwer to the King's demands, upon account of the ſmallneſs of the portion allotted for the ſupport

* Obſervations on the overture, p. 43.

of

of the miniſters, they propoſe, that the 900 charges in Scotland be reduced to 600, and that the emolument ſhould be ſome more, ſome leſs, as particularly ſet down by them: "That young men coming from ſchools ſhall "only be promoted to the ſtipends and benefices of the "loweſt degree; the eldeſt, or of greateſt learning, "judgment, and experience, to be promoted to the high-"eſt rank, and to aſcend *gradatim*, as they ſhall be jud-"ged worthier, from three year to three year, for better "eſchewing ambition and avarice; and that the charge "of the greateſt congregations be not committed to "the youngeſt miniſters at the firſt, nor they preferred "to the eldeſt, of gravity and judgment." With regard to the proviſion ſtipulated for the miniſters ſo arranged, That where the parſonage and vicarage at any church are now ſevered benefices, they are to be annexed into one.—The prebendaries to be cognoſced and conſidered, which are founded upon the tithes of the pariſh, and which on temporal lands, to the effect that ſuch as are founded upon tithes may accreſce to the living of the miniſters.—And in diſtinction of this diſtribution of revenues properly eccleſiaſtical,—that, as above cited, "the laic patronages remain whole, unleſs it be with "the conſent of the patron." But what hath all this to do with the evidence that the aſſembly favoured patronages in general?—They were yet eſtabliſhed by law. It was neither in the King's power nor theirs to diſannul them without the parliament; but the King, as the law ſtood, being willing to bring the number, order, and ſettlement of churches into ſome good order, took the aſſembly's advice, as things were, how that might be done. — They offer a plan, which in truth circumſcribed, or rather indeed took away the greateſt evil of patronage, its indiſcriminate power of preferring whom the patron pleaſed.—Young men could not be put but in the ſmalleſt charges.—And clearly, by the judgment of the judicatories, the after preferencewas to be; as neither the ſtate nor patrons then, or after, ever pretended to be the judges of the "learning, judgment, or ex-"perience" of miniſters, upon the proficiency in which, future promotion was to take place, but the judicatories only. And as to the laic patronages remaining whole,

&c.

&c. under this conſtitution, this does not relate at all to the exerciſe of the right of patronage to particular preſentees, but to the benefices annexed thereto, which, in the propoſed diſtribution of the church-goods, were not to be ſevered and disjoined, as thoſe properly eccleſiaſtical, and which had belonged to religious houſes, were; but to be reſerved whole, except by conſent of the patrons. Different reaſons preſent themſelves for this diſtinction, which there is no occaſion to mention, as not ſo properly belonging to the preſent queſtion, whether the aſſembly at this time really favoured patronage or not?

By this fair ſtate of the matter *, it ſeems clear, that ſo far from favouring patronages, the aſſembly propoſed a ſcheme, which, if executed, very eſſentially overturned them; and put all the power of ſettlements, where their ſecond book of diſcipline ſaid it ſhould be put, namely, in the hands of the preſbyteries. After which preſentations were little more than a name, to which they then could have little objection, as upon their own ſcheme, and by law, it was the alone thing that could then give a title to a benefice; and their repeating their deſire, that they ſhould be directed to preſbyteries, (formerly to commiſſioners), that is, to them in oppoſition to biſhops, as was the queſtion in theſe days, and in order that preſbyteries might judge upon them, according to the ample and final powers which the act 1567 had entruſted them with concerning them.

If it is urged, that this was the aſſembly's admitting of patronages, in oppoſition to their declared ſenſe againſt them, according to the interpretation which its enemies' give of the paſſage of the ſecond book of diſcipline †; true: but allowing all that can be fairly made of this, it will by no means follow, that thereby they approved of patronage; or "that it was "the abuſe of patronage, rather than patronage itſelf, "which the church would guard againſt."

It muſt ſtill be aſſerted, that the paſſage in the ſecond book of diſcipline is clear againſt patronage as *funditus* wrong, —and a conſtitution againſt ſcripture,

* See Petrie, and Calderwood.

† Obſervations on the overture, p. 44 45.

antiquity,

antiquity, and reaſon;—that it is the declaration of an aſſembly of men, perfectly qualified with preciſion and accuracy to expreſs their ſentiments,—that gave particular attention to the expreſſions in this treatiſe upon all the ſubjects in it; ſo that, after much time and labour employed in forming it, a particular committee was appointed to reviſe its expreſſion, in order to deliver it from darkneſs and ambiguity; — that if upon any one point *clearneſs* is to be expected, it is upon patronage, as this was reſerved to the very laſt, before the ſenſe of the aſſembly was fixed concerning it; was publicly debated, and every precaution taken to clear the ſubject, and to be preciſe in the definition of their judgment of it; that therefore the obvious, muſt be the true ſenſe of its compoſers *. And there is more reaſon to conclude, they were totally againſt patronage; becauſe, notwithſtanding all the favour it had from courtiers and great men, they ſo explicitly and publicly, in that ſituation, declared againſt it, — than becauſe, under that declaration, they ſubmitted; and, until the law itſelf ſhould be altered by the legiſlature, made the beſt of it they could in their propoſals to the King; that therefore (as the author of Obſervations on the overture would infer) there was nothing in the book or their ſentiments contrary to patronage. Is not this the ſame conduct that the wiſeſt men have held in all ſimilar circumſtances? Thus, in the very article under conſideration, will this author argue, becauſe, at the interceſſion of the church, K. Charles I. allowed a leet of ſix in 1642, or that two years after, the aſſembly begged the leet might be reſtricted to three; that therefore the Scotch Preſbyterians at that time were for patronage; when yet they reſted not, until they procured its utter abolition in 1649? Or will he hold the argument, that when deſpotiſm is on the advance in any country, the patriots, who ſtruggle for the mitigation of meaſures they cannot altogether prevent, are therefore the friends of the oppreſſion that

* Notwithſtanding of which, in order to eſtabliſh his falſe poſitions, the author of Obſervations on the overture, p. 3. very unwarrantably blames ſome inaccurate expreſſions in the books of diſcipline.

may be involved in them? So may he argue, that, at this very period, our Presbyterian ancestors, who, in this second book of discipline, and by strong resolutions of assembly in 158[illegible] declared against Episcopacy, were yet not averse to it, because they then, and afterwards during Arran's ministry, were obliged to bear with and make the best of many disagreeable things insisted upon in favour of that order.

I would ask this author, if in truth it had been the intention of the compilers of this second book of discipline to declare against patronage in the highest degree, could they have found or used expressions more full and explicit in their opinion against it? They treat it in the same manner, as they do the truth of Christianity, in every article that had been abused by Popery; that is, they first, in sect 9. lay down the genuine method of electing ministers, as they judged it ought to be, by scripture and the early ages; and then, in sect. 10. according to their uniform method in every other point of faith or government, protest against the apostasy which, in their style, "cursed Papistry" had made from it, by the introduction of patronage; solemnly declaring, that in vain men had professed to embrace God's word, &c.

If indeed it was "the abuse of, rather than patron-"age itself," as this author alleges, that our ancestors, by this declaration, would guard against, in how absurd a light does it place them? Could their prudence dictate it, as the eligible way, that in, order to obtain a "re-"formation" of a plan, the proper method was to strike at the root of it altogether? Why did not common sense tell them, rather to carry their complaisance as far as possible to patronage itself, and only to insist that those abuses they complained of should be removed, as the more likely way to be gratified? They were not so weak as the imputation of this author would make them; but had learning, judgment, the knowledge of the world, and the address necessary to compass their ends, as much as any others. But the whole hypothesis of this author, "That our illustrious reformers were, first or "last, favourers of patronage," is groundless, and, like every other instance of falsehood, requires a multitude of more falsehoods to support it. Let not such

injury

injury be repeated againſt men, who from the beginning eſtabliſhed principles utterly inconſiſtent with it;—who, without intermiſſion, continued and roſe in their ſtruggle againſt it, as its never-failing concomitant evils appeared; till at laſt their genuine deſcendents prevailed, and obtained its total abolition.

CHAP. VI.

Of our legal eſtabliſhment, in relation to the ſettlement of miniſters, from the beginning of the reformation to the preſent time.

HAving ſet forth the principles of the Preſbyterian church of Scotland, as ſettled in her ſecond book of diſcipline, as to the calling of miniſters, and ſhewn, that, according to it, the election is in the preſbytery, the conſent of the people neceſſary, and that with theſe, in the judgment of our reformers, the perfect exerciſe of patronage is inconſiſtent; — we next turn to that part of the legal eſtabliſhment of Preſbytery, which belongs to this matter.

There hath been already occaſion to obſerve, that the firſt book of diſcipline had not the good fortune to be wholly confirmed by parliament, and that, upon this diſappointment, the church ſet about forming another; yet in the mean time, as a legal eſtabliſhment and ſanction was neceſſary to give force to the eccleſiaſtical adminiſtration, their judicatories ceaſed not in their endeavours, and did obtain a capital ſtatute in 1567, wherein, though laic and laughful patronages are confirmed, yet, in order to deliver the church from the violence that might be the effect of preſentations without a proper balance, it is there ſuppoſed, that preſentations may be in controverſy, even when beſtowed upon qualified men; and, in ſuch caſes, final judgment in the laſt reſort is veſted in the church-judicatories, by theſe clear expreſſions, "be quhame the cauſe "beand decyded, ſal tak end, as they decerne and de-"clair."

This ſtatute is ſo clear in giving the judicatories

power to determine in ſettlements under preſentations, that even the author of Obſervations on the overture allows, p. 41. "that it ſeems to gratify the church in "the moſt ample manner." Yet is not this conceſſion very conſiſtent with other parts of his performance.—Not with the principle he vainly and injuriouſly endeavours to fix upon our reformers, "That they "were favourers of patronage;" ſince, if it had been ſo, how came this power of final deciſion, as they ſaw expedient, to be ſuch a gratification to them? If fond of preſentations, they muſt have been pleaſed without it, and would rather that they ſhould be permitted to have an unlimited effect.—Neither doth this conceſſion correſpond well with a poſition very magiſterially laid down upon this argument, p. 30. That "no diſcretion-"ary power ought to be left to the judge; his duty "ought to be pointed out with all poſſible preciſion. "When his powers are diſcretionary, we have no ſecu-"rity whatever for our moſt valuable privileges."—And afterwards, That "if a preſentee can be ſet aſide "upon diſcretionary reaſons,—it is neither agreeable "to juſtice nor ſound policy." But the anſwer is obvious, That the queſtion is not here, What ought to be, but what is? This gentleman, were he a legiſlator, might urge ſuch conſiderations againſt giving judges this latitude, and others might admit, that, in general, laws ought to be made with all poſſible preciſion, in order to ſecure property; yet ſtill, in many caſes, the allowing very unlimited powers to judges, is not only ſalutary, but neceſſary. Not to go far for examples, is not our own ſupreme court of civil judicature, a court of equity as well as of law? And, upon the ſame principle, is not the chancery of England ſo eſtabliſhed? By their conſtitution it is ſuppoſed, that caſes may occur, where, through the imperfection of the beſt deviſed laws, the very intention of framing them, in order to do juſtice, may be fruſtrated; and the contrary effect produced, by too ſtrict an adherence to the letter of ſtatutes: on which account diſcretionary powers are veſted in judges, that where hardſhips are thereby likely to enſue; they may ſo far depart from the words, and, according to the ſpirit of the law, and the princi-

ples

ples of equity, give righteous deciſions. Thus ſaith Mr Erſkine *, (who, we may preſume, was as knowing in what was competent and right for a legiſlature to appoint as this author), "The ſeſſion may proceed as a "court of equity, by the rules of conſcience, in abating the rigour of law, and giving aid in proper caſes to ſuch as in a court of law can have no remedy: "and this power is inherent in the ſupreme court of "every country, where ſeparate courts are not eſtabliſhed for law and for equity."—This is the very power veſted in the judicatories of this church by the act 1567, never repealed nor curtailed to this day, but often confirmed. The ſtatute goes upon the ſame principles that courts of equity are eſtabliſhed. The great object in the eye of the legiſlature, in appointing public encouragement for the ſupport of a ſtanding miniſtry, is without doubt the advancement of religion among all ranks of men. As therefore it did not ſeem good to remove patronage altogether, yet, ſenſible, that, without ſuch control, the very end for which the public ſupport was given might be defeated, with a truly-parental ſpirit, church-judicatories (compoſed of miniſters and elders, ſuppoſed by their character and office to be the beſt friends and natural guardians of religion) were entruſted with the final determinations of all ſettlements, as a balance againſt the poſſible over-rigorous exerciſe thereof. This then is the firſt and capital point of our eſtabliſhment by the ſtate.

The next great object that preſents itſelf in this matter is the act 1592, by which not only Preſbytery in general is eſtabliſhed, but, in particular, what belongs to the ſettlement of miniſters is defined; and in which is inſerted a clauſe in favour of patronage, of which its friends perpetually avail themſelves; but it is humbly ſubmitted, whether they do not carry it farther than the clear intention, and even words of the ſtatute, in their connection and conſiſtency with other parts of it, will juſtify them.—The words are, "Providing the foreſaid "preſbyteries be bound and aſtricted to receive and admit whatſumever qualified miniſter preſented be his "Majeſty or laic patrones."

* Principles of law, p. 79. — Conſult likewiſe Lord Kaims's Principles of equity, *paſſim*.

In order to come at the true import of theſe words, it is carefully to be obſerved, that as they ſtand at the end of a long ſtatute, their ſenſe muſt not be taken as an independent ſentence, but in connection with other eſſential parts of it; and therefore, 1ſt, it is to be remarked, that the "binding and aſtricting" here, is not to be taken as in the leaſt derogatory to the final power of judging and determining in the caſe of any preſentation that may come in controverſy before church-judicatories, as given to them by the above act 1567. Let the preſentee be never ſo qualified, (which is there expreſsly ſuppoſed), and every thing perfectly legal and formal in his preſentation; ſtill the matter is to be decided and take end as the judicatories ſee cauſe. The reaſon of ſaying ſo is, that in this very act 1592 are theſe words: "Our Soveraine Lord—hes ratified "and appreeved all liberties—declared in the year "1579, and all and quhatſumever acts—maid befoir "be his Hieneſs and his regentes, anent the libertie "and freedome of the kirk; and *ſpecially the firſt act "of parliament halden at Edinburgh the 24th day of "October* 1581, with the haill acts therein mentioned; "quhilk ſall be als ſufficient as gif the ſamin were here "expreſſed." But in that act 1581 it is declared, that "our Soveraine hes ratified and appreeved all acts—"*and ſpecially—that act made in*—1567—*anent the admiſſion of them that ſall be preſented to benefices havand cure of miniſtry.*" By this chain of law, then, is every power contained in the act 1567, ratified by that of 1592; and therefore, according to it, notwithſtanding this aſtricting clauſe, the juriſdiction of judicatories in determining as they ſee cauſe, whether the ſettlement ſhould take place or not, is entire. The inference is fair, therefore, that it was not the meaning of this aſtricting clauſe on preſbyteries, in the leaſt to infringe this privilege and right, which from the beginning the law had given to church-judicatories *.

The

* In the act (115.) immediately following the former capital one, it is ſaid, "That in caſe the preſbytery refuſes to admit "onie qualified miniſter, preſented to them be the patrone; it "ſal be laughful to the patrone to retain the haill fruites of the "benefice in his awin hands." But this can never mean, that after

The author of the Obſervations on the overture * combats this doctrine of the judicatories having ſuch diſcretionary power in judging, at great length, and with great violence;—calls it very extraordinary, and romantic;—and ſets it forth as abſurd, that it ſhould be maintained, that a qualified preſentee can be refuſed admiſſion. It were no difficult taſk to anſwer all that has the appearance of argument in his declamation on this head, as that "ſuch conduct would defeat one of the great ends for "which public eſtabliſhments are deſigned, the guarding religion and the ſacred order from corruption;" and as introductive of a dreadful evil, "becauſe miniſters would thereby depend upon their people for "ſupport."—How eaſy to retort, that nothing in the univerſe was ever ſo much a means of corrupting religion and the ſacred order, as patronage;—nor were ever miniſters ſo uſeful to the ends of ſalvation, as when, for many ages after Chriſtianity was publiſhed, they were ſupported by the oblations of the people alone?—As to "taking away the rights of patronage from their poſ-"ſeſſors, without their having forfeited them," as far as concerns the preſent queſtion of the power of church-judicatories to control them, it is denied that ever patrons

after the aſſembly has "decyded and declaird" the ſettlement of the preſentee ſhall not take place, that theſe fruits are to be retained: in that caſe the ſettlement is to begin *de novo*, and the patron is again to preſent another qualified miniſter. For it is material to be obſerved, that this laſt act is made at the ſame time with the former, and is properly a ſupplement to it, in order to obviate a doubt that might ariſe concerning the diſpoſal of the ſtipend during the refuſal of a qualified preſentee by a "preſbyte-"ry," before the queſtion came to the aſſembly, by whoſe deciſion it is "to tak end, as they ſhould decern and declair." It is on a "preſbytery's" refuſal therefore, and not the aſſembly's, that this retention is to take place. The right of the aſſembly is perfectly entire, finally to decide, and cannot be invalidated without a formal and ſolemn reſcinding of both the act 1567 and that of 1592. In no conſiſtency with either can this title to retain therefore be included in this declaration relating to a "preſbytery." The reaſon of the ſtatute in this view is obvious and good, that the patron having preſented a qualified "miniſter," his cauſe is ſuppoſed to be juſt, until it receives its deciſion in the dernier reſort; and therefore, during the vacancy occaſioned by the refuſal of a preſbytery, he is permitted to retain and diſpoſe of the fruits; as in the caſe of a vacancy, which is prolonged, not through his fault,

* P. 28. 29. 30.

with

with us were in poſſeſſion of patronage ſo abſolutely as to be freed from it; and the Layman may very "grave-"ly," notwithſtanding this author's ridicule, maintain, "that judicatories have always had this diſcretionary "power." Is it not the expreſs words of the law 1567, "That the admiſſion of miniſters, within this realm, "be only in the power of the kirk,—providing that "in caſe the patron preſent an perſon qualified to his "underſtanding; and failzieing of ane, anuther with-"in the ſix months, and the kirk refuſes to receive and "admit,—then appeals to go on till the aſſembly de-"cyde, and the cauſe ſall take end, as they decerne "and declair?" Was it not before his eyes too, in the (115th, or) act immediately after the act 1592, wherein the reſtriction is, that the patron, upon a vacancy, is to preſent a "qualified man;"—and that, upon his having done ſo, the ſuppoſition is, that "the preſbeterie re-"fuſis to admit onie qualified miniſter?" The queſtion never was, whether an unqualified preſentee might be caſt? but it was always in our law admitted, that, for reaſons to them appearing good, "onie qualified per-"ſon" might be refuſed admiſſion. To pretend therefore to ſet aſide law, in face of the cleareſt ſtatutes, becauſe this author chuſes to think the general principles on which they go, are romantic, only expoſes his own preſumption and vanity, and is uſing a freedom with acts of parliament, that perſons learned in the law would by no means indulge.

Neither indeed could it well happen to have been otherwiſe eſtabliſhed, in the affair of preſentations, in particular, after the reformation. The Canon was the only law known then for eccleſiaſtical affairs as objects of law; and how this matter had ſtood under its activity, and that of other old laws among Catholics, we learn from Biſhop Burnet *, who obſerves, "That patrons "began to think, that biſhops were bound to ordain "all ſuch as were named by them; but Juſtinian paſ-"ſed a law, that the patriarch ſhould not be obliged, "unleſs *he* judged them fit for it." So Burns † ſays, "The ordinary is not accountable—for the meaſures he

* Additional chap. to Paſtoral Care. † Eccleſiaſtical law, vol. i. tit. *Exam.* § 3.

"takes

" takes or the rules by which he proceeds, in exami-
" ning and judging.--And that the clerks being ordain-
" ed (and to be ſuppoſed of good abilities) doth not
" take away or diminiſh the right." — " * That pa-
" tronage is a limited truſt," and from the begin-
ing was put under many reſtrictions, ſeveral of which
he ſpecifies.

Theſe principles were adopted by our reformers, as they found them in the old regulations, and as in themſelves conſonant to reaſon. For example, they ſay †, " the miniſters and elders *(i. e.* the preſbytery)—ſigni-
" fie unto the congregation, whoſe gifts they found moſt
" meet, and profitable unto that miniſtry." This ſentiment is founded on common ſenſe and reaſon.—Nor is it peculiar to our reformers. Biſhop Burnet ſpeaks to the ſame purpoſe: " A perſon in orders (ſays he ‡) per-
" haps is qualified for a lower ſtation, yet he may want
" many qualifications for a greater one." Nay, the author of Obſervations on the overture himſelf fully admits of this, when he allows ‖, " that we ought to
" diſtinguiſh between thoſe qualifications that are
" barely ſufficient, —and thoſe which may render him
" an ornament to his profeſſion, and of diſtinguiſhed
" utility to his people and the church." But the difference lies in the application; he would make patrons ſole judges of the diſtinction between one and another candidate, not in oppoſition to the judgment of the people only; but, in this point, in oppoſition to our old conſtitution between patrons and the church-judicatories, who claimed this right as theirs.

This was a right which from the beginning was legally veſted in them, and which, we have ſeen, it is not the intention of the act 1592 to deprive them of, as is evident by the act 1567 being by it confirmed to them:—Farther, it is alſo clear, by the many regulations which the aſſembly 1596 formed as rules of the conduct of the church courts, with reſpect to preſentees; ſuch as—
" their reſolving to repel all that are preſented, — who
" are moyeners,—that take preſentations without the ad-
" vice of the preſbyteries within the bounds,—appoint-

* Burns's Eccl. law, tit. *Refuſal*. † Book of common order, ch. 3. § 2. ‡ Addit. chap. to Paſtoral Care. ‖ p. 11, 12.

" ing

" ing great latitude in trials with reſpect to fitneſs for " particular charges,—with reſpect to the candidates " acquaintance with the power of religion,—to be tried " in conſcience, and feeling in ſpiritual wiſdom,—and " to be ſtayed if ſatisfaction is not given," &c. Quite other things theſe than there being barely no proved immorality or hereſy, to which the advocates for patronage and our author ſo ardently puſh for having objections to a preſentee alone confined!

Theſe reſolutions were made when the act 1592 was but recent, four years after it paſſed; at a time when the King, ever jealous of the miniſters power, if there had been but a ſhadow of ground for objecting, that the aſſembly, by them, was infringing on the act of parliament in its reſtricting clauſe, as to preſbyteries receiving preſentees, would not failed to have availed himſelf of it, and made at leaſt the active promoters feel the weight of his diſpleaſure, upon ſo juſt ground as flying in the face of law; a reſentment againſt the miniſters, to which, at that time in particular, he was exceeding prone.

But there was no occaſion given him for it. What they did was within the limits of a juriſdiction they were ever poſſeſſed of, as the only and final judges of whatever belonged to miniſterial qualifications, and which the reſtricting clauſe in the act 1592 did not mean in the leaſt to alter or invalidate.

The declamations we are now accuſtomed to hear, upon the leaſt motion for reſtraining preſentees in the matter of acceptances, as if all ſuch attempts were illegal, would not have been admitted in former days, but had ſoon been quaſhed with indignation. On the contrary, the church when under the act 1592, conſcious of the conſtitutional truſt repoſed in her judicatories, for preſerving the intereſts of religion by a faithful miniſtry, failed not to do what in them lay to avert the danger that might ariſe from patronage, by circumſcribing the candidates capable of acceptance, and to aſſert their rights to judge with the greateſt latitude as to their admiſſion. Nor did they or their friends dream, nor their enemies object, that the act of parliament

ment 1592 was ſtruck at, when, in 1596, they framed theſe ſtrong caveats againſt preſentees.

It confirms all this, that after this good period was over, and the days of oppreſſion under James and Prelacy were far advanced, this privilege of the church, in judging of the qualifications and admiſſion of preſentees, was firſt encroached upon.

Senſible that the aſtricting clauſe in the act 1592 had in truth no force, nor was intended to compel a ſettlement againſt the judgment of church-courts; a new ſtatute was neceſſary, to give the wiſhed-for power to preſentations. This was made in 1612; by which "any biſhop (who had then come in room of preſbyteries) refuſing to admit a qualified miniſter, (*i. e.* as the act explains it), one that had been once received and admitted to the miniſtry, being then ſtill undeprived, — he ſhall be ſubjected to a charge of horning," *&c.* —

Two things, which have been aſſerted above, are evident from this ſtatute. Firſt, that, before and under the act 1592, a "qualified preſentee" might not have been ſettled; and, ſecondly, that as a negative had been formerly reſerved to preſbyteries, reſpecting the comparative fitneſs of an ordained miniſter (found qualified in general) for a particular charge, to be decided by the preſbytery's judgment; this alſo by the new act was found neceſſary to be removed, that patronage, according to the modelling plan of the court at that period, might have a boundleſs operation.

No ſooner again were theſe days of tyranny over, than the church (by the ſtate's reſcinding theſe arbitrary acts) reſumed her ſalutary power, though patronages were not as yet aboliſhed. — Therefore, in 1638, all the regulations of 1596 are particulary revived by the aſſembly of that year. — And, in 1642, it is declared, "That not expectants only, but actual miniſters upon "tranſportation, ſhall be tried in a way therein preſcribed, — in order to give ſatisfaction to the pariſhioners, and the preſbytery whereto he comes, as "the preſbytery find his gifts fit and anſwerable for "the condition and diſpoſition of the congregation "whereto he is preſented. And this act is appointed

"to

" to ſtand in perpetual force *." Neither did our church loſe ſight of this when patronage was reſtored in 1711; for then, in their act of licenſing probationers, " they " diſallow of any calls being put into their hands, be- " fore the ſecond trials are finiſhed, and until the preſ- " bytery be ſatisfied both as to their ſufficiency, and " fitneſs for thoſe pariſhes to which they are called."

We may drop, or wilfully throw away our privileges, as we pleaſe; privileges perfectly agreeable to reaſon, and ſalutary to religion. Not ſo did worthier anceſtors. They aſſerted them boldly, ſtruggled hard and long for them, and prevailed to have them eſtabliſhed by law. When any acts of parliament paſſed, that, but by conſequence, might wrong religion or their rights, they did not meanly yield, but became the more erect and undaunted in claiming and uſing thoſe rights they had been entruſted with. Thus our aſſemblies conducted themſelves under the reſtricting clauſe in the act 1592, by their reſolutions above related in 1596, and otherwiſe; clearly ſhewing, that in no ſenſe did that act touch or leſſen the ample latitude the church had in judging of the qualifications and admiſſion of all intrants however preſented. And indeed this is not the judgment of our aſſemblies only, but of the beſt lawyers alſo: " Why," ſays Lord Bankton, " is ſimony declared a nullity, if " the preſbyteries are not full judges of qualifications?"

2. As the reſtricting clauſe in the act 1592 was not meant to reſtrain the original juriſdiction veſted ſo amply in preſbyteries, as ſole judges of the qualifications and admiſſion of miniſters;—ſo neither was it intended to impair the ancient conſtitution and practice, which regards the " conſent of congregations" as neceſſary to the ſettlement of miniſters among them.

It is but of late, that the contrary opinion hath prevailed among men calling themſelves Preſbyterians; though now, it is acknowledged, theſe notions are declared in a more public and determined manner, than perhaps any denomination of Chriſtians ever did formerly. It is the ſtated ſyſtem of the preſent friends of patronage, to pay no manner of regard to the inclinations of people at all; and they lay their arguments for

* Acts of aſſembly 1642.

patronage

patronage ſo, and declaim in ſuch ſtrains, as would almoſt tempt one to think, that it were rather eligible, at leaſt no favourable ſymptom of a candidate, if the people, among whom he is to be ſettled, were very fond of him.

From the ſcriptures they never derived ſuch ideas; theſe breathe an oppoſite ſpirit.—The public ſtandards of our reformers are totally repugnant to them, and they have, in this view, been already taken notice of.—So careful were theſe great men to cultivate other principles, that when a ſuperintendant is to be choſen, they direct, "that the gentlemen and burgeſſes of every "dioceſe be made privy to the time of election, as "well to bring the kirk in ſome practice of her liberty, "as that the paſtor may be better favoured of the flock, "whom themſelves have choſen *."

Under the ſecond book of diſcipline, though, as hath been ſhewn, the compilers put the proper election in the preſbytery, yet of this were they equally tenacious, (unleſs, as above, in the caſe of diſaffected pariſhes), that without the congregation's conſent, there ought to be no ſettlement. This, with them, was ſo determined a principle, that in Morton's regency, as their ſecond book of diſcipline was not yet finiſhed, and their dangers from his violence were great, they enacted, in aſſembly 1575, "That miniſters ſhould "be appointed with conſent of the miniſters of the "province,—and conſent of the flock, to whom they "ſhall be appointed."

During Arran's oppreſſion, even the moſt complying clergy in his epiſcopal meaſures, could be brought no farther, than that, though there were biſhops †, he ſhould be appointed to a ſpecial kirk; "provided always, that "the particular flock being forewarned, have place to "oppone, as in the election of other miniſters."

Whence indeed, in theſe former days, could ariſe the idea of indifference, as to the approbation of a flock towards him, who was to be ſet over it? As not from ſcripture nor our reformers, ſo not from reaſon; for nothing can poſſibly more contradict it, than that where the ſole purpoſe of the inſtitution is to profit a people, one ſhould be appointed for that end, to whom they are indifferent or have averſion.—Nay, not in the

* Firſt book of diſcipline, chap. 3. † Calderwood, p. 197.

Canon law itſelf, notwithſtanding the conſpiracy which moſt certainly its authors were in thereby to aggrandize the clergy at the expenſe of all the world, is ſuch an abſurdity to be found.

" By the old canons," ſays Lord Bankton *, " the " conſent of the better part of the people, termed *ſe-* " *nior pars*, was adhibited to all ſettlements, *can.* 113. " *cauſ.* 1. *qu.* 1. The reaſon aſſigned is (a reaſon that at " once occurs to every man), that the city or pariſh " will probably contemn or hate a biſhop ſettled a- " mongſt them, againſt their inclinations, *can.* 36. " *diſt.* 63. This conſent (adds he) of the moſt honour- " able perſons, that was required to ſettlements, was " therefore conſonant to the civil law, *l.* 19. *Cod. de* " *epiſc. audiend.*"

As no principle or practice in Scotland had before the 1592 been adopted, that was not favourable to the giving congregations an influence in ſettlements, it was not at all in the eye of the legiſlature at that time to deprive them of it. Their object lay otherwiſe: And this I hope to make evident by a tranſaction formerly mentioned in 1597, five years after the enactment of this ſtatute.

Every one knows how deeply James entered into church-affairs. A great part of the government indeed of Scotland turned upon them.--Seventy years after this, the Earl of Tweeddale †, who knew it well, obſerved, " That more than two parts of three of the buſineſs of " our government related to the church." Much more was it ſo during King James's abode in Scotland. To this therefore he paid the utmoſt attention, and in particular watched every opportunity to bring eccleſiaſtical matters into the form moſt adapted to favour his beloved prerogative, and to anſwer his other political purpoſes. To theſe, for obvious reaſons, the miniſters truly Preſbeterian were moſt averſe. — Nothing promiſed more to model the miniſtry to his pleaſure than patronage. By this therefore, as by every other method the ſhadow of law could ſuggeſt, he ſought to balance or deſtroy their influence. And if the act 1592 could have ſupported him in ſetting aſide the conſideration due to

* Inſt. vol. ii. p. 37. † Burnet's hiſtory *ad an.* 1667.

congregations

congregations in ſettlements, as well as in reſtraining preſbyteries, with regard to the power they pretended to, as electors, in oppoſition to both patrons and people, he would willingly have employed it for that purpoſe, to have rendered him nearly abſolute in ſo intereſting an affair to his deſigns.

But in what point of view do we find him conſider the people with regard to ſettlements in 1597? Far from ſaying that congregations had nothing to do in them, excepting that, upon the return of an edict, it was allowed them to object to life or doctrine, as is the language of our day; or that the act 1592 had cut them out from every other concern,—he puts forth the famous queſtions (formerly mentioned), whereof this is one, "Is not the conſent of the people, or moſt part of "the flock, and alſo of the patron, neceſſary in elect-"ing paſtors?" Here all parties that ever pretended to have intereſt in ſettlements, are brought into conſideration. For though the King in this, which is the third queſtion, does not directly mention the ſhare preſbyteries pretend to in this matter; yet, as it ſtands connected with the ſecond, the immediately preceding one, which regards the juriſdiction of the clergy, and conſidering the public controverſy of the time upon this power of the preſbyteries to elect, and the anſwer of the ſynod of Fife, where the Melvins bore ſo much ſway, it is clear, that, inſtead of excluding the flocks, he, according to the conſideration allowed them ſince the reformation, puts them in the ſcale with the patrons, that the preſentation of the one and the inclinations of the other may be declared as neceſſary in the election of miniſters, as the judgment of the preſbyteries. The ſynod of Fife anſwered by their committee, that both ought to yield to the preſbytery. But Calderwood hath tranſmitted the anſwer of another, whom he calls a judicious brother, thus: "The word *patron* and *preſenta-*"*tion of patrons eſt humanum inſtitutum*, and hath no "warrant *jure divino*, and therefore importeth no "neceſſity of conſent. As to the conſent of the peo-"ple, no man will deny but it is neceſſary to be had." Who ſees not, both by the King's queſtion, and by the manner of this anſwer, that the conſent of congrega-

tions had not at that period been diſputed, nor called in queſtion, as to its neceſſity in ſettlements, though both the right of patronage, and that of the clergy to elect, had. Nor did it once enter into the King's head, that the act 1592 had the moſt remote reſpect to the intereſt of congregations in ſettlements, but alone in its reſtricting clauſe, to curb preſbyteries as to that intrinſic power they claimed "to elect," to the excluſion of all others from that privilege. On the contrary, in the very clauſe preceding, after it is ordained that all preſentations ſhall in time coming be directed to particular preſbyteries, with full power to give collation, it is added, "and to put order to all matters and cauſes "eccleſiaſtical, within their bounds, according to the "diſcipline of the kirk," the reſtricting clauſe following immediately after. The object here in particular, is ſettlements, by all that goes before and follows; and therefore, as the diſcipline and practice of the kirk had certainly hitherto been againſt violent ſettlements in congregations; though preſbyteries, in oppoſition to their own claim of electing, are decerned to receive preſentations, it does not follow from this ſtatute, that they were obliged to ſettle violently upon preſentations, but the contrary; otherwiſe, that part of their diſcipline, and the acts of aſſembly, ſuch as that of 1575, diſcharging all ſettlements of churches contrary to the will of the congregation, inſtead of being thus directed to, as the rule of judgment, ought to have been ſet aſide and rejected.

It confirms theſe ſentiments the more, that when the King's convention met at Perth in 1597, in order to decide concerning the queſtions already referred to under that period, and to eſtabliſh a permanent rule of procedure as that meeting ſhould determine *, under the utmoſt influence of government againſt the power of preſbyteries, this is what by the King and that meeting is agreed to, upon this article †, "That in "principal burghs ‡ no miniſter be placed, without "the

* See the whole, Calderwood, p. 393. † Article 10.

‡ The principal burghs are here only mentioned. To explain this, it is fit to obſerve, with Dr Robertſon, *ad an.* 1597, that at this time the right of nominating miniſters to them was in

"the conſent of his Majeſty and the flock;" and this order to begin preſently at Edinburgh. Spottiſwood ſays,

in the King; — and that the clergy had hitherto derived their chief credit and ſtrength from the favour and zeal of the citizens, in their ſtruggle with the crown. To take the power out of the hands of the miniſters in planting theſe watch-towers, from whence the reſt of the nation uſed to take the alarm, was what the King ſet his heart chiefly upon; and, as there was no law which made the mere will of the patron alone ſufficient for this, he, by this regulation of the convention at Perth, calls in the aid of the people, whoſe conſent had always been taken, as a balance to the pretenſions of the clergy, in the election of theſe miniſters. It was not till afterwards, that, by new laws, (1612), in his purſuit of arbitrary meaſures, abſolute patronage came to be eſtabliſhed and enforced by hornings, and ſettlements were directed to be made without any regard to the inclinations of the people; and thus in their turn the people came alſo to be diſregarded.

There was leſs occaſion to include country pariſhes. As things ſtood at this time, the miniſters placed in them, in general had much leſs authority. Indeed the poverty of theſe livings made them every way leſs conſiderable. The indigence was ſo great, that of this circumſtance the King availed himſelf to create jealouſies, and, by money, by envy, and hopes of promotion, excited them to aſſiſt him in humbling the preſent miniſters of burghs.

The appointments of miniſters were ſo ſcanty, that it is ſurpriſing how men any way qualified were found to ſupply vacancies that happened in the country. It had been amazing, if any ſuch who were offered them by patrons or preſbyteries, had been rejected in ſuch a ſituation; eſpecially as the prejudice muſt have been in favour of candidates, that nothing but a real principle of doing good could have moved them to undertake an office, attended with ſo poor a pittance for ſupport; a conſideration ever conciliating, and which never fails, in the eyes of the people, to balance even many infirmities.

It hath been already obſerved, that on account of this penury, it was, in 1581, propoſed to reduce the number of miniſters in Scotland from nine to ſix hundred; one hundred of whom were only to have 100 merks, the higheſt 500. — In 1596, it is repreſented by the aſſembly to the King, that in many places, for lack of proviſion for paſtors, the people be altogether ignorant of ſalvation, there being about 400 kirks deſtitute of the miniſtry.—In 1597 (the year of the Perth convention eſtabliſhing the above and other regulations), it is again ſet forth, that "miniſters are in great poverty, by being long defrauded "of their ſtipends, [where were their preſentations?], by which "they are, and ſal be conſtrained to leave their vocations." — Nay ſo late as 1608, it is repreſented, "that there is a great "want of preachers in many congregations; in one province "31; in another 17; in Nithſdale and Annandale, 28; and ſicklike "in many parts of the land." *Calderwood*, p. 593.

This ſtate of affairs is more than enough to ſhew the reaſon, why the principal burghs are only taken notice of in the King's regulations at Perth. But no argument can be drawn from

ſays *, "This was propoſed by the King, and agreed "to by the commiſſioners." When the church-aſſembly afterwards meets, and this article comes under conſideration †, in the true ſpirit of their pretenſions, it is declared, This article is anſwered by an act of aſſembly, which ordaineth, "That the principal towns be "planted by miniſters, with advice of the general aſ-"ſembly, at which his Majeſty's commiſſioners are, "or ſhould be preſent."

From all this, the true import of the act 1592 appears. The ſecond book of diſcipline had claimed the election of miniſters, as the right of preſbyteries, and the clergy had inſiſted, that to their election the patrons ſhould give their protection, the people their conſent, and made many and ſtrong efforts to eſtabliſh this power.

To this the ſtate would not agree; but while they fully confirmed, in their ſtatute of 1592, their original liberties and rights of judging and determining concerning the qualifications of miniſters, and propriety of ſettlements in controverſy, though under preſentations to qualified men, according to the act 1567, therein recited; — and though in general thereby this ſtatute alſo allowed them to take order, and determine according to the diſcipline of the kirk, which fairly eſtabliſhes the rules they had ever gone by in ſettlements, one principle of which was the conſent of congregations; yet, in oppoſition to the vigorous claim of the clergy "themſelves to elect," they bind and reſtrict them to receive preſentees, *&c.*

This fair ſtate of the controverſy, and of the ſituation of things at the period when the act 1592 was made, and

thence, as if, either in the reaſon of things, or from the law, every congregation had not an equal title to be conſidered as to their approbation of miniſters ſettled among them, as well as the principal towns. But though the argument is the ſame, and therefore the King's queſtion is put in general, equally applicable to all pariſhes; yet his point concerned the burghs, and therefore the determination is confined to them. And much practice, both by art and violence, it coſt him to accompliſh his end; which had all been vain, if the law 1592 did, or could be underſtood to mean to give preſentations the force, it is now pretended, it does. But it is remarkable, that it is never once cited by the King in all the ſtruggle as ſupporting his ſide of it.

* Spottiſwood, p. 139. article 10.

† Calderwood, *ut ſupra*.

by

by many circumſtances, with reſpect to the King's and his Perth convention's reſolutions and conduct, authentically illuſtrated and confirmed, affords the true key to open to us the real meaning of this fundamental ſtatute: nor ought this law to be interpreted, or carried further, by the ſound of the words in one clauſe, than as they ſtand in connection and conſiſtency with other parts of the ſame act, confirming the act 1567, in favour of church-judicatories, and the acknowledged principles and correſponding practice of the diſcipline with regard to ſettlements, alſo enacted in the very paragraph in queſtion. To underſtand it otherwiſe, is to make the act inconſiſtent and ſelf-contradictory. This act, without doubt, is our preſent eſtabliſhment; all intervening laws, either in favour of, or unfriendly to our conſtitution, being ſuperſeded at the revolution, when that ſtatute was taken up, and confirmed as our only legal conſtitution reſpecting church-government, this very clauſe alone concerning patronage excepted. It was then ſpecially reſerved to after conſideration, and at laſt iſſued in the wiſe and excellent law of 1690;—all confirmed by the union. But this particular part of our ſettlement, then believed, with our other privileges, to have been by that treaty rendered unalterable, afterwards, as hath been ſaid, through the influence of our enemies, in 1711, ſuffered a change, and things again were brought back to their ancient ſtate in 1592; which again was explained by act Geo. I. in 1719, as by and by ſhall be taken notice of, and more particularly conſidered.

It is here eſſential, however, to obſerve, that whatever favour was done the church by the act 1690, or whatever injury was intended by reſcinding it, patronage, in its reſtoration, was not ſo eſtabliſhed, as to cut off any the leaſt privilege which we have ſeen either church-judicatories or congregations were in poſſeſſion of under the act 1592: all being expreſsly reſerved by theſe vigorous words in the act 1711: "The "preſbytery—is to receive and admit in the ſame "manner, ſuch qualified perſons, or miniſters preſent-"ed, as before the making of this act ought to have

"been

" been admitted." The like favourable reſerves are made in the ſtatute 1719. The ſame powers of church-judicatories, and the ſame intereſts of congregations, affecting the admiſſion of preſentees, that were by law and practice veſted in theſe ſeveral bodies by the act 1592, are, by theſe late ſtatutes, ſtill confirmed to them.

As, therefore, the general qualifications of a preſentee, his fitneſs for a particular charge, and the whole circumſtances regarding the expediency of his admiſſion to it, were, in the final iſſue, within the juriſdiction of the church-courts, and, by act 1567, embodied in the act 1592, " to tak end as they ſal decern " and declair," it is now competent to them ſtill ſo finally to determine.

This was never doubted to have been the privilege of judicatories under the act 1592. They had, by the act 1567, clear law for it; and had it been otherwiſe, as above obſerved, the aſſembly 1596 would not have been permitted to have enacted ſo many regulations, (in preſence of King James), expreſsly controlling preſentees, and circumſcribing the power of patronage.

Beſides, the act 1690 put heritors and elders in the place of patrons, and otherwiſe gave them all their ancient powers; ſo that their calls had all the operation and effect in law, that preſentations had formerly, but had no abſolute force in ſettlements. Preſbyteries in both were cut off from voting as electors; but, under both conſtitutions, they were entitled to judge of the general and particular qualifications of intrants without reſerve, and, under both conſtitutions, equally exerciſed the privilege. No new powers were beſtowed upon them by act 1690. — Its words, " to the effect " the affair may be cognoſced upon by the preſbytery " of the bounds," [to whoſe ſentiments, as beſt acquainted with the ſtate of matters in controverſy, great regard uſed, and anciently was claimed, to be paid], " at whoſe judgment, and by whoſe determination, " the calling and entry of a particular miniſter is to be " ordered and concluded," apparently are of the ſame import, and no more than what was conveyed to the church by act 1567.

Let

Let it likewiſe be attended to, that this power of final judgment, without limitation, extends to candidates of every rank. We now often hear a diſtinction made between a preſentee when a preacher, and one that is already ſettled; as if the difficulty of ſetting aſide one of the former claſs, were a matter of more delicacy in law, than when one of the latter ſort is diſappointed.—The footing upon which this goes is juſt in one ſenſe, hereafter to be noticed. But with regard to the church's power in general to give a negative to any preſentation, it is the ſame; nay, if there is a difference, the point of juriſdiction is in favour of ſetting aſide a preacher, rather than a miniſter under an acceptance. The argument ſtands thus:

The law 1567 ordains, "That if the patron preſent "an qualified perſon—and failzieing of ane, anuther; "—upon refuſal he appeals.—The aſſembly of the "hail realme decydes, it takes end as they declair." Here is no limitation whatſoever, no diſtinction between a preacher and one ordained; but a qualified perſon is ſubjected to the deciſion of the judicatories, and may by them be rejected without remedy, and without diſtinction of rank or character.

Nay more, if there is ground for diſtinction with regard to latitude, by the true principles of law, it is againſt preachers who are preſentees, in ſo far, that if one of that character is rejected, it does not appear, that, even by the 115th act 1592, the patron is entitled to retain the fruits of the benefice.—Were the author advancing this upon his own authority or argument, perhaps, in theſe days of favour to preſentations, it might have been little attended to. But let us hear Sir George Mackenzie. With him this is not a point in the leaſt doubtful*. Referring to act 1. parl. 21. James VI. he ſays, "It is appointed, that the biſhop "ſhall not refuſe to admit any qualified miniſter, who "hath been once admitted and received a miniſter. By "which it is clear, that the biſhop is not obliged to "receive an expectant, who is not an actual miniſter; "and the reaſon is, becauſe *non conſtat*, if he be yet

* Obſervations on acts of parliament, James VI. parl. 5. act 7. p. 175.

"qualified;

" qualified *; and the biſhop cannot be obliged to en-
" ter him, and conſequently is not obliged to receive
" his preſentation." According to the well-ſupported judgment of this great lawyer, then, inſtead of finding greater difficulty, the law would bear judicatories out in rejecting the preſentations of preachers, without the dreaded embarraſſment which miniſters already ordained, accepting preſentations, might ſubject them to, eſpecially if they ſhould happen not to be connected with another charge. It indeed is apparent, that, before the 1612, the law knew no reſource when judicatories refuſed preſentees, elſe there had been no neceſſity of enacting the ſtatute of that year, armed with the ſanction of horning, eſpecially when the church-power was in the hands of ſuch an obſequious generation, as

* It may illuſtrate the opinion of Sir George, to obſerve, that thoſe he calls expectants, and we preachers, according to the firſt plan of the reformers, had in a proper ſenſe no eccleſiaſtical character, nor were eſteemed qualified men. The French call them propoſants; which imports, according to their diſcipline, that the candidate for the miniſtry, after proper inquiry into his character and behaviour, was tried, by what they called propoſitions from the word of God, or preaching upon ſuch paſſages of ſcripture as were appointed by the colloquy or claſſis, and thence called a propoſant. Thus to this day in the United Provinces, and in the ſouthern parts of Europe, a ſtudent in divinity, at the deſire of a conſiſtory, preaches before their congregation, upon which the conſiſtory give their opinion. But this does not conſtitute any real qualification for the miniſtry — From our own firſt book of diſcipline, we obſerve the ſame ſyſtem as to perſons in this ſtation in our church. Chap. iv. " In " proceſs of time, he that is but a reader may attain to a farther " degree after approbation, and by conſent of the church, and " diſcreet miniſters. — And ſuch as are preachers, already not " found qualified therefore by the ſuperintendant, are to be " placed readers." It is on this account they have, with us, the name of probationers, being, by our conſtitution, ſtill on probation. — Accordingly the ſtyle of licences entitles only to preach within the bounds of the licenſing preſbytery. The author knows of an inſtance, ſince the revolution, where a preſbytery, in the true ſpirit of the conſtitution, recalled a licence from one whom they had permitted to preach within their bounds, merely on the ſcore of inſufficiency after farther trial. — And thus alſo no preacher ought to be allowed to preach in the bounds of another preſbytery merely upon licence from his own. It was uſual for ſatisfaction of any other preſbytery, where he comes to reſide, that he firſt preach before them, before he was employed in general within its bounds. All which confirms the reaſon Sir George Mackenzie gives for his *non conſtat*, &c.

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the archbiſhops and biſhops at that period were. An appeal to the church-court of laſt reſort, upon refuſal, was all the remedy it was acquainted with, and there the controverſy found its final iſſue.

To bring our preſent legal eſtabliſhment regarding preſentations, and the juriſdiction of the church with regard to preſentees, into clearer view, let us now conſider the act 1719 reſpecting acceptances.

It hath above been obſerved, that, to vex and diſtreſs this church, our valuable conſtitution and act 1690 was injuriouſly torn from us in 1711. After the happy acceſſion of King George I. upon application, the act 1719 was made. The government were well informed of the cauſes of our loſs of the act 1690; — and it was then ſufficiently known, that this act was framed in order to favour us, by mitigating the former act, and to obviate the injuries that had or might ariſe from its continuing, as it ſtood, in force. And when fairly explained, it will appear to be indeed very advantageous; whereas, when not improved as it ought to be, (to which many amongſt us ſhew no diſpoſition), inſtead of lightening, it ſerves rather to heighten our grievance, which was certainly far from being the intention of the government at that time. Let us therefore give a candid attention to its true import.

Nothing could more effectually reach the end of mitigating patronage, than the limiting thoſe who were capable of accepting preſentations. Probationers, we have ſeen, are, and muſt be ever much in the church's power. She might make what regulations, and lay what reſtraints ſhe pleaſed upon them. During the firſt and vigorous days of the act 1592, the aſſembly had, without challenge or control from the then jealous ſtate, made many and ſtrong reſtrictions upon their preachers, all reſpecting their acceptance of preſentations.—Theſe, again, were revived in 1638 by the aſſembly of that year,—confirmed by the aſſembly 1645, —afterwards in aſſembly 1647. During all which periods, patronage as in the act 1592 was in force. Theſe regulations contain articles quite diſtinct from objections againſt life or doctrine, to which many now would have them confined. According to the liberty they always

ways poſſeſſed as a church of Chriſt, and often confirmed to them in parliament, the judicatories accommodated their directions concerning probationers, in a ſuitable manner to the particular temptations they might be under to injure the eſſential intereſts of religion, the natural and juſt object of their care, by improper acceptances of preſentations. Nor is there any thing in our conſtitution to hinder the church ſtill to act in the ſame effectual manner. So that from preachers the danger was not underſtood to be ſo imminent.

But though a miniſter already ſettled be ever within the church's juriſdiction, as to his tranſportation, it being impoſſible that there can be in a preſentation not completed by collation, any force, that is not in one ſo perfected, as the law ſuppoſes all ſettlements ſo made, or by *jure devoluto*, equally effectual; and though, by all her principles *, the church is ſole judge of every miniſter's removal from his preſent charge; yet, in cautious foreſight of danger that might ariſe from this quarter, the friends of our conſtitution anxiouſly provided againſt it, in this ſtatute 1719. They knew the church had once ſuffered greatly from the principle, which lies at the bottom of the act of parliament 1612, *viz.* "That a miniſter being once ordained, and not "deprived," was then held qualified in the eye of law. As well, therefore, to prevent the great "inconvenien-"cies, from protracting vacancies to the great hinder-"ance of the progreſs of the goſpel, to be expected "from competitions of pariſhes, when miniſters already "ſettled were preſentees †," as to obviate the above danger, our friends prevailed to have this act ſo framed, as to make it a nullity in a preſentation, if accepted by an actual miniſter.

This is a very material circumſtance; and it is preſumed, that language is incapable of conveying any idea with preciſion, if this is not ſo declared by this law.

The preamble informs us, that the intention is, "to "prevent inconveniencies." Three are ſpecified. 1. The preventing of ſuch as are not qualified by taking the oaths. 2. The preventing ſuch who, being ſettled

* See the ſecond book of diſcipline, chap. 4. § 4. 5.
† See memorial of the aſſembly, 1715.

in

in other churches, cannot accept. And, 3. Such as, being already ſettled, will not. Three more ſeparate propoſitions, or more diſtinctly expreſſed, cannot well be put together in one clauſe. The laſt member is not more diſtinguiſhed from the firſt, than the ſecond is from it.

From the two laſt, however, being put together in one ſentence, they who wiſh to ſtretch the operation of preſentations to the utmoſt, have attempted to argue, That one ſort of perſons was deprived, by both phraſes of *cannot* and *will not* accept. By what rule of criticiſm, grammar, or ſenſe, is not eaſy to gueſs. For how power and inclination can ever be made identical and ſynonymous, does not ſo readily occur to a common underſtanding. In all other caſes they are wont to be conſidered as abſolutely diſtinct. All of us are conſcious, that we often *will*, when we *cannot*, act; and often *can* when we *will not*. One would not willingly aſcribe to the legiſlature the abſurdity of putting *cannot* into their ſtatute, without its true or proper meaning; that is, without ſuppoſing there were perſons, in this caſe, who were not at their own diſpoſal, but ſubjected to others, who might by their prohibition, if they pleaſed, hinder their inclinations from taking place. If one is his own maſter, he certainly *will* accept, if he is ſo diſpoſed. If he is at the diſpoſal of another, in a very proper ſenſe, his inability may very well be ſuppoſed, and expreſſed by *cannot*. This is the very caſe before us; all ordained miniſters being, as above, not at their own, but at the church's diſpoſal, who can oblige them to ſerve in what charge they pleaſe. And ſo the vacant charge, by the refuſal of the judicatories to tranſport, may ſuffer the "inconveniency" of a long vacancy. That this was in the eye of the legiſlature at the framing of this act, is evident, as the protracting of vacancies by the litigations which, were foreſeen, would ariſe concerning preſentations, was one of the grounds of our church's complaints in their application at that time againſt patronages; and correſponding hereto, expreſsly one of the evils which, this act declares, is intended to be remedied by it.

Beſides, who perceives not, that the disjunctive *or*,

cannot or *will not*, makes the one propoſition diſtinct from the other, equally ſo, as if it had been written, who cannot accept, or *will not* accept. And if, after all, it were poſſible, from language, that any doubt ſhould remain concerning this, in the narrative of the inconveniencies to be be prevented by the act, the manner of appointing the remedies puts the obvious meaning beyond all queſtion. "To the end," it is ſaid, "that ſuch inconveniencies be prevented for the future, "be it enacted, That if any patron ſhall preſent any "perſon to a vacant church, who ſhall not be qua-"lified by taking and ſubſcribing the ſaid oath," &c. *i. e.* to prevent the firſt inconvenience of "unqualified "men" being ſettled in churches:—Or, ſecondly, "ſhall "preſent a perſon to any vacancy, who is then, or ſhall "be paſtor to any other church or pariſh;* " this is to remedy the ſecond inconvenience of one's being preſented who cannot accept, by his not being at his own, but at the church's diſpoſal, as ſhe may refuſe to looſe his relation to his preſent pariſh if ſettled, or give preference to another call or preſentation, if under one, and ſo the vacancy be long protracted:—And, thirdly, or ſhall preſent any perſon "who ſhall not accept, or "declare his willingneſs to accept, of the preſenta-"tion, or charge to which he is preſented within the "ſaid time," *i. e.* to prevent the third inconvenience of preſenting one who is unwilling to accept, which before this act had been done by patrons, whereby vacancies had been long protracted; ſuch preſentation ſhall not be accounted any interruption, &c.

To ſay, that a perſon already in a charge, or under call to one, after a diſqualifying clauſe of ſo much preciſion, is capable of making a good and legal acceptance, is at firſt ſight ſo abſurd, that it is not a little ſurpriſing to hear any make the aſſertion. Let any one give a candid and ſolid reaſon why the incapacitating clauſe, that reſpects the unqualified man, ſhould render an acceptance null and void, more than the one that belongs to him who is the paſtor of another church, as

* By being at that time under call to another congregation, and upon which his ſettlement in it may take place, before his ſettlement by the preſentation is determined.

the

the incapacitating words are not leſs clear or full in the latter, than in the former caſe: — And what man, or ſociety of men have a right to ſet aſide the obvious and undeniable meaning of the expreſſions of an act of parliament, or to reduce them to no meaning, againſt all ſenſe and intention of language?

Accordingly, whatever freedom lawyers at the bar may take for their clients, or however judges deeply engaged in party may declaim in church-courts, concerning the validity of acceptances made by miniſters already in charges, no men learned in the law ever ſay ſo, when treating this matter gravely elſewhere.

Thus Lord Kaims *, without hefitation, and with perſpicuity, writes, — "If a patron ſhall preſent, — "who is not qualified, — or ſhall preſent any perſon "who is miniſter of any other church or pariſh, — or a "perſon who ſhall not accept," &c. — In like manner Mr Swinton † ſets it clearly forth, — "If any patron "ſhall preſent to a vacant church — any perſon not "qualified, &c. — or who is the paſtor of any other "church, — or one who ſhall not accept," &c. Indeed no more is requiſite to put this point beyond doubt, than barely to recite the words of the law, as they ſtand in it, diſtinct as they are from the other incapacitating clauſes, and equally accurate and preciſe as any of them. Suppoſing this had been the only diſqualifying clauſe, would any in that caſe have dared to aſſert, that it did not mean, that a perſon already a paſtor of another church, was intended by it; or ſuppoſing the legiſlature had in truth intended to incapacitate one already a miniſter from accepting of a preſentation, could words have been found, which, with leſs ambiguity, would have expreſſed that intention ‡?

Upon

* Statute-book, art. Kirk government.

† Abridgment.

‡ The author of Obſervations on the overture may probably object to the judicatories having ſuch power to ſet aſide ordained preſentees, as he does, p. 29. "That this amounts to a total annihi- "lation of the patron's power in ſettling miniſters," as if that were a matter of regret. With him and his friends probably any thing that might have that effect, would be ſo; but he muſt excuſe others from having it as an object of ardent deſire. However, the concluſion is not well drawn; it is the ſame as if a votary for arbitra-

Upon the whole, it is evident, that, in different views, the church of Scotland hath by law much latitude

ry power were alarmed at a propoſal of a negative upon the prince, and upon the motion ſaid, this amounts to a total annihilation of the King: but this were falſe. The ſovereign would then not be an abſolute tyrant, but he would be a monarch ſtill, and of the beſt ſort, a limited one; and agreeable to the well-expreſſed ſentiment of the poet,

Till jarring intereſts of themſelves create
Th' according muſic of a well-mix'd ſtate.

However, it is neither for this author nor me to argue, "becauſe "ſuch a conſtitution is wrong, or in our opinion ſo, therefore it "is not law." It may be ſaid by a legiſlator before enacting, that it ought not to be ſo; but after a law is enacted, it is not competent for ſubjects, on ſuch a ground, in their execution of the law, to ſet it aſide.—If to them it appears to oppoſe the divine law, they ought to refuſe obedience, and take the conſequence; or they may, as unreaſonable, apply for an abrogation. But to ſay, in face of the plaineſt ſtatute, it ought not, and therefore is not ſo, is abſurd to the laſt degree.

Many gentlemen of the law have been heard, upon occaſions, clearly giving the ſenſe of the law as above contended for. The author can remember of a civil judge of great conſideration in our aſſemblies, giving it as his reaſon of admitting the acceptances of ordained miniſters to be good, upon the objections being made againſt their validity upon this law, "That reſpect to a court, where "he ſat as a judge, would always reſtrain him from inſiſting upon a point, that had been over-ruled in it, whatever his opinion "might be concerning it." But this can be no ſolid reaſon againſt what appears to be the genuine meaning of the law to an impartial man; nor a reaſon, when the majority of the court come to ſee the matter in its true light, why it ſhould not be determined in oppoſition to former deciſions. Otherwiſe bad precedents muſt have a force, which no good man, nor good judge will admit of. What is above recited as the expreſſion of the judge, can only be conſtrued as private decency towards a court, not any legal explanation of the ſtatute, nor inferring the leaſt neceſſity to determine, in oppoſition to its fair meaning, which ought to be the invariable rule of judgment. The truth, I fear, is, that the reaſon of this being ſo much overlooked, notwithſtanding the clearneſs of the law, is not ſo much the want of evidence or perſuaſion that it is ſo, as the want of inclination to find it ſo. How can the author ever forget what a ſagacious leader in church-affairs replied to one expoſtulating with him on this very topic, in the caſe of a miniſter's acceptance in a very diſagreeable caſe, urging that his preſentation might be caſt upon the clauſe in queſtion in the act 1719? "Though," ſaid he, "what you advance is the truth of "law; are you yet ſo young, as to expect a deciſion upon that "principle, from a body of men, two thirds of whom (with or "without reaſon, no matter) flatter themſelves, that one day or "other they may, by tranſportation, receive a benefit under "a preſentation by the oppoſite ſenſe of that law? There is not "ſuch ſelf-denial amongſt us." *Hinc illæ lachrymæ.*

To

lude in the affair of ſettlements, notwithſtanding the eſtabliſhment of patronage. From her ample juriſdiction in the matter of qualifications, and the fitneſs of candidates for particular charges, and in general, in every thing that enters into the point of expediency as to ſettlements, according to the powers veſted in them by act 1567, incorporated into, and confirmed by act 1592, —by her rights to eſtabliſh whatever eccleſiaſtical regulations and reſtraints ſhe ſees expedient, for her probationers;—by the incapacity of miniſters, ordained in pariſhes, to accept. This whole doctrine is ſupported by Lord Bankton*, who, having laid it down as a firſt principle, "That the ſovereign rule is, to make ſuch "ſettlements as tend moſt to edification, and in that "view to regard the inclinations of the people, as ſeems "moſt expedient;" p. 26. declares, "When a preſ-"bytery refuſes, the preſentee ſeems to have no reme-"dy; for whether he is a miniſter or licentiate only, "he is ſubject to the rules of the church, in relation to "his ſettlement."

CHAP. VII.

Of the practice of the church in ſettlements, corresponding to her principles and legal eſtabliſhment.

HAving endeavoured to ſtate the principles of our church, and her legal eſtabliſhment, relating to the ſettlement of miniſters; her actual practice in this matter ought next to be inquired into, in order to throw greater

To the honour, however, of one eminent clergyman, [Principal Tullideph], whom no man will accuſe of an overweaning favour to popular calls, and who, in juſt diſcernment, is inferior to few, it is to be ſaid, that, in his integrity, he hath uniformly, and to the laſt, inſiſted in church-judicatories, that the acceptance of an ordained miniſter is not valid; and if the church had ſtuck to this ground of rejecting them, as it had ſo clear a foundation in law, we had in a great meaſure been free from what has been ſo long complained of as a grievance. No ſentiment can be more juſt, nor, if properly followed out, none had been more ſalutary. In that caſe young men had been more modeſt and reſpectful in their acceptances both to judicatories, and all that have intereſt in ſettlements, according to the act 1690.

* Inſtit. vol. ii. p. 21. 26.

light upon this ſubject, as it muſt be ſuppoſed, that courts eſtabliſhed by law will act ſuitably to it. Their practice muſt be a juſt commentary upon what truly is the conſtitution.

Our Preſbyterian government, it muſt be acknowledged, hath undergone various mouldings, as to the point in queſtion, according to the ſeveral viciſſitudes of times wherein it hath exiſted. Yet hath the church never departed from theſe capital principles, but hath ever aſſerted them, as has been ſhewn: Firſt, That patronage is a grievance. 2dly, That the conſent of congregations is neceſſary in ſettlements. And, 3dly, That, in the final reſort, the judicatories are judges of the queſtion concerning the admiſſion of miniſters to particular congregations. An attempt hath been made to ſhew how theſe ſtand in the eye of the law; and we now turn to inquire into the practice of the church, in relation to them, from the beginning.

In general, it is to be obſerved, that whatever yieldings the neceſſity of times and ſituations, in different periods, drew from the judicatories, not ſo agreeable to the declared ſentiments of the church, in the points in queſtion; yet did the church never give up her principles, but always adhered to them, and ſtruggled for their perfect eſtabliſhment. Thus, as to the firſt-mentioned, that patronage was grievous: To what hath been (chap. V.) ſaid at large concerning our reformers being averſe to them, it may be proper to add here, that how ſoon our Preſbyterian anceſtors recovered ſtrength after the eſtabliſhment of Epiſcopacy in the beginning of the laſt century, they in 1638 renewed and confirmed all the principles of their fathers declaring againſt it. And though at that preciſe time they prevailed not to have it aboliſhed, yet, in 1642 *, upon application

* It is not quite candid in the author of the Obſervations on the overture, when, in a narrative of the ſentiments of our fathers concerning preſentations, (p. 45. 46.) he ſays, "From this "period (1592) to the year 1649, the laws reſpecting the ſettle-"ment of miniſters underwent no alteration till the year 1649." For though that with regard to public ſtatutes is true, yet this royal grant made ſo conſiderable and extenſive an alteration as to patronage, as in truth diſarmed it of much of its hardſhip. And if patronage itſelf cannot be removed from us, were his preſent

application to King Charles I. they obtained a mitigation, by the King's determination to confine the candidates "to a leet of six to be sent him upon every vacance, which, after the highest precaution, was to be formed by the presbytery of the bounds, with consent of the most or best part of the congregation *." Next year †, they represented the necessity of the leet's being confined to three. As their influence increased, never losing sight of this important object, and in perfect conformity to their constant principle, they obtained, from the parliament 1649, an act declaring, "That patronage is a sinful and wrongous usurpation, without warrant from the word of God; destructive of the true liberties and interest of the church, and most scandalously offensive to all ranks of Christians therein." Are these the words of men who admitted in the least degree one favourable thought of patronage?—Well do they agree with the abhorrence expressed against it in the second book of discipline; and the Presbyterians who dictated them, shewed themselves the true sons of such fathers.—At the revolution, again, that same race of men continued to make the abolition of this hated engine of spiritual oppression, one of their first and most anxious cares. Dr Robertson hath justly observed ‡, "that then the inclinations of the people were thought worthy of the attention of the legislature, and the Presbyterian government was again established." The aversion to Episcopacy was found unsurmountable in all the friends of this glorious event, and against no part of it more than, this its constant attendant, patronage. It is known to all, that the exercise and the effects of this

present gracious Majesty, upon our earnest intercession, to grant this church the like merciful indulgence, the whole enemies of patronage would rejoice, and be thankful. And why this should be obtained from an enemy of our church, as King Charles certainly was, and not from the best of kings to his best friends in this nation, may appear surprising. The true solution, I fear, is, that our fathers were united and hearty in asking the favour, many of us their sons would not have it so.

* See act, sess. 7. Aug. 3. 1642.

† Sess. ult. Aug. 19. 1643.

‡ History of Scotland, vol. 2. *ad fin.*

hated

hated power were the firſt and great cauſes of the intractableneſs of the people in the reign of Charles II. This is acknowledged even in the Obſervations on the overture*, That "the violent intruſion of the Epiſcopal "clergy at the reſtoration, [which was in virtue of "preſentations], tended to ſtrengthen their prejudices "in favour of what they deemed a ſacred and invaluable "right," and conſequently againſt what effectually ſpoiled them of it.

Nothing therefore could ſatisfy them without the removal of this hated power. This, and the ſupremacy of the crown, are what Biſhop Burnet complains ſo much of againſt the Earl of Melvil, as commiſſioner to the parliament, for letting go. Theſe were the laſt holds for Epiſcopacy, which the Biſhop had, at that period, by his intereſt with King William, exerted himſelf ſo much to preſerve in Scotland. He † ſays in effect, even after Lord Melvil's enlarged powers, that his inſtructions could not warrant his yielding them up. In this, as the original inſtructions yet prove, the Biſhop's reflection is not well founded. The fact was, That the Preſbyterians in that parliament could not be brought even to King William's meaſures, until theſe, to them important, articles were yielded. And ſtill breathing the ſame ſpirit, the church ceaſed not, after the reſtoration of patronage in 1711, to repreſent and remonſtrate to government, againſt this grievous burthen, in the years 1712, 15, 19, 35, and 36, in the ſtrongeſt terms; and to this day it continues a ſtanding inſtruction to the commiſſion, to watch every favourable opportunity for making a freſh application, upon any favourable opportunity's offering itſelf, for its removal. As a church, then, it is undeniable, that by her efforts and practice ſhe hath ever breathed for deliverance from patronage as her grievance.

With regard to the ſecond point mentioned as a ſtanding principle of this church reſpecting ſettlements, the intereſt of congregations, and the neceſſity of their conſent to miniſters ordained among them; we have already ſeen, that in principle they from the beginning

* p. 53. † Hiſt. *ad an.* 1690.

have

have been fixed with regard to this. By both firſt and ſecond books of diſcipline it is held, That there is at ordination a ſpiritual relation eſtabliſhed between paſtor and people, which cannot take place but by mutual inclination and conſent;—that this is ſcriptural; and indeed all the appointed ſolemnities at the admiſſion of miniſters confirm this idea.—It is to one flock that a paſtor is to be ordained.—He is interdicted leaving his people, or his people's deſerting him, at their own pleaſure, or otherwiſe than by the interpoſition of church-judicatories. Theſe ſentiments have been ever adhered to, affirming this relation could not be formed by any preſentation to a benefice, "which" with them "aucht to "be nothing elſe but the ſtipend of the miniſters that are "lawfully called *." This calling is what, on the part of a congregation, eſtabliſheth the paſtoral relation. Uniformly therefore hath this been inſiſted upon, in one ſhape or another, by this church, where collation hath been authoriſed, as her rule of ſettling, and as neceſſary to it. Such call may be, no doubt, where there is a preſentation; becauſe the preſentee may be called by the congregation, as well as preſented by the patron. But where no call is, it goes croſs to the whole principles and ſpirit of our conſtitution to ordain, whatever private deciſions there may be to the contrary.

Under the firſt book of diſcipline, this certainly was the practice of the church. Reaſons have been formerly aſſigned, why, when preſented to the convention of ſtates, it received not the civil ſanction. Yet every reſpect ſhort of that was paid to it. The great council of the nation ſigned it, under this declaration, "That, after examination, they find it to be good, and "conform to God's word in all points, promiſing to "ſet the ſame forward to the utmoſt of their power †." It thence, with this countenance, and by the then ample juriſdiction of the church, became the common law for diſcipline and for ſettlements. — By the act

* Firſt book of diſcipline, ch. 3. Short ſum, ch. 4. Election of ſuperintendants. Second book of diſcipline, ch. 3. § 4. ch. 3. § 5.

† See Collection of Confeſſions, vol. 2.

of

of aſſembly, 1561, every miniſter is obliged to ſubſcribe it. — In 1562, "inhibition is ordained to be made a-"gainſt all, and ſundry miniſters, then ſerving in the "church, who had entered to their churches contrary "to the order of the fourth head concerning the elec-"tion of miniſters, and that no miniſter lawfully elect-"ed, (*i. e.* as then by the people) be removed but ac-"cording to it." Theſe regulations had full effect; ſo that even Gordon Biſhop of Galloway was not admitted as ſuperintendant, until he ſubſcribed it, and until it was underſtood that the kirks of Galloway craved him as ſuch *.

Nor is there the leaſt hint in all our hiſtories, that any one ſettlement was made for long, where there was oppoſition to it, or where the people, according to this principle in the church, did not elect, though preſentations were, no doubt, given.

Where a congregation elected, one ſees there is no proper place for objections by them. They who have the choice being ſatisfied, it belongs to others to make the objection. So we find †, upon the congregation voting, it is declared, "If any thing be objected againſt "him that ſtandeth in election (evidently by any parti-"cular accuſers), the ſuperintendants and miniſters "muſt conſider whether the objection be made of con-"ſcience or malice, and they muſt anſwer accordingly."

When the church adopted the ſecond book of diſcipline, according to which the preſbytery were to elect, ſhe was ſtill careful to preſerve the foundations of a call from the congregations, by allowing them conſent and aſſent; and by the act of aſſembly 1575, eſtabliſhing, "That pariſhes are to be ſettled with the conſent of the "flocks," clearly ſhewing it to be the conſtant practice then to have it: though the principle of the election by the preſbytery was then inſiſted for, and though, during Morton's regency, no favour was ſhewn to the miniſters, yet is this act never quarrelled by him nor the patrons.

Dr Robertſon tells us, upon occaſion of the famous

* Calderwood, p. 32. † ch. 3 §8.

tumult

tumult at Edinburgh 1597, "When, upon much soli-
"citation, James absolved the citizens from the penal-
"ty of the law, he at the same stripped them of their
"most valuable privileges; they were not allowed to
"elect their own magistrates, nor their own ministers;"
clearly implying, that their practice had been, before
that time, to do both. However, Edinburgh seems,
after this, again to have been indulged in their ancient
privileges; since we learn from Spottiswood *, "That
"then (1624) the popular election of ministers, when
"as places fell void, was discharged; and the presen-
"tation appointed to be made by the provost, bailiffs,
"and council."

Thus we find, from the reformation downwards to the seventeenth century, congregations, under one form or another, were greatly considered in settlements. And though there can be no question, but that presentations were used; yet there is no trace of any violent abuse of them, by distressing congregations, in thrusting ministers upon them against their consent; which, if it had happened, we must have heard of, considering the declared principles of the church on this article, the watchfulness of the ministers, upon every encroachment, and the high tone wherein they asserted their rights and privileges upon all occasions, especially when encroached upon. In this we may be confirmed, as by and by it will appear, that so much odium was incurred, when the practice of violent settlements began, under the Episcopal form of government, which took place near the beginning of the seventeenth century.

Such root had this system in the church, that, even under Episcopacy then established, it could not be altogether got the better of. It was still the general method, along with presentations, to have the consent of the flock adjected, notwithstanding many efforts to have it otherwise under that administration. Many of the patrons had friends among the ministers, who were for Presbytery; and many instances there were, like that of Mr John Livingston in 1631, who, having received a presentation by favour of h's friends, takes notice of the concern he was under, before his ordination, to

* p. 545.

see

ſee a call from the pariſh, as what alone could eſtabliſh a paſtoral relation between him, as their miniſter, and them. Nor was this practice of the church without reſpect even from ſome of the biſhops themſelves, who retained a regard to uſefulneſs in miniſters, as we ſee by a letter from the Biſhop of Dumblane in 1631 *.

That ſuch had been the general practice of this church, before patronage was diſannulled in 1649, we might produce other evidence. In 1641, Mr Alexander Henderſon publiſhed a treatiſe on the government and order of the church of Scotland, for the information of other nations; wherein he ſays †, "That a propoſant or expectant is nominated to a vacant place, with the conſent and good liking of all the people.—No man is here obtruded upon the people without their open or tacit conſent and approbation."

The acts of parliament from 1640 to the reſtoration, are reſcinded as laws: yet, as vouchers of facts, they ſtill are authentic and unqueſtionable evidences.—Thus,

* Honourable and very loving Friend,

I hear your people of Culroſs have diſavowed the deſign of Mr John Duncan to be their miniſter, and that they ſay they never gave that commiſſion to you, who came in their names to require him. If that be true, for it is hard to believe reports at this time, I beſeech you to try, and ſend me word in time. I dealt in that errand uprightly; I deſire not to be miſconſtrued; ye are my witneſſes. If the mutable multitude reſile by any perſon's inſtigation, it may breed both trouble and delay. I beſeech you try the verity of it, and ſend me word: and if it be ſo, that the people be made averſe from Mr John Duncan, I think it not beſt he go himſelf, to engyre [the old word in the ſecond book of diſcipline, ch. 4. § 3. That no man engyre himſelf—without lawful calling], and preach againſt their will. But if this report be falſe, and that they are well pleaſed with him, then let him teach them in the name of God. I pray you to ſend me anſwer thereto as ſoon as can be; for I wonder at this change, if any be ſo. I reſt,

Your loving friend to my power,

Canongate, March 18.
1631.

Ab. B. of Dumblane.

To my Very Honourable and Loving Friend,
George Bruce of Culroſs.

In the hands of the late Col. Erſkine of Carnock.

So ſober men of all perſuaſions will ever think. Thus Biſhop Leighton alſo expreſſeth himſelf.

in

† § 2. part 1. chap. 2. par. 3.

in act 8. 1640, after narrating the power of preſenting to many kirks acclaimed by the prelates, by virtue of the 2d act of parliament 1608, to the very great grief and prejudice of this kirk,—and ordaining, that in all time coming preſbyteries ſhall provide theſe flocks with miniſters, it is added,—"but prejudice to the intereſt of "pariſhes, according to the acts and practice of the "kirk ſince the reformation."

So act 17. June 4. 1644. "Conſidering that ſundry "miniſters pretending, by virtue of a title to a bene-"fice, the right of patronage to ſome particular kirks, "which in times of Popery were parts and pendicles "of theſe benefices,—and are yet in uſe of preſenta-"tion, which is found by the kirk to be nowiſe com-"petent to any one miniſter;—and declaring the plant-"ing of theſe ſhall belong to the preſbytery, but pre-"judice of the intereſt of the pariſhes, according to the "acts and practice of the kirk ſince the reformation."

That this practice obtained after patronage was aboliſhed in 1649, will not be doubted. No ſooner did our church emerge from bondage in 1638, but, in all records of preſbyteries of that period now extant, it will be found, they uniformly ſent committees to vacant pariſhes to moderate in calls to candidates, nor would they ſettle preſentees without them.—The act 1649 ordains, That "whoever ſhall, upon the ſuit and "calling of the congregation, after due examination, "be admitted,—ſhall, by virtue of their admiſſion, be "entitled," &c. So ſteady were Preſbyterians to the principle of the neceſſity of calls expreſſing the conſent of the congregation, over whom they were to be ſet as miniſters, that, under the perſecution of Charles II. ſome, to whom the exerciſe of their miniſtry was dearer than life itſelf *, and though almoſt worn out with poverty and hardſhip, yet, as Biſhop Burnet informs us, refuſed to accept of the pariſhes aſſigned them, until, with the acts of indulgence from the crown, they alſo received calls from the people.

It is needleſs to add the practice of the church ſince the revolution, whoſe entire ſettlement in this matter, the neceſſary calls, the queſtions aſked, and the whole

* See Leighton's life prefixed to his works in 2 vols.

appointed order of admiſſion, clearly ſhew her anxiety to ſecure the conſent of congregations to thoſe who, as miniſters, are ordained or admitted among them.

Such from firſt to laſt has been the practice, correſponding, as times permitted, with her declared principle, that as there was a paſtoral relation between miniſters and their flocks, ſo mutual conſent and engagement was neceſſary to eſtabliſh it.

It may ſerve as a proper contraſt to obſerve, that not ſo is the ſpirit of patronage: Foe to religious liberty, and friend to bondage, the deſpots of the world, eccleſiaſtical or civil, have, ever ſince its invention, favoured and promoted it. It became therefore a leading object in King James's policy, by means of patronage, to put into this church men fit for his arbitrary intentions. He found among the clergy (and among what clergy are they not to be found?) men to his wiſh, at once to him meanly obſequious, and in the rank of prelates, (to which he at his pleaſure raiſed them), oppreſſive maſters to others. Elated with power, to which many of them had, in their beginnings, no proſpect of being raiſed, and ſupported by their prince, they entered into his views of breaking the minds of men to bondage, for which patronage was a moſt ſucceſsful engine, and readily adopted by them. Fond of exerciſing it, they regarded not the univerſal odium which their violence brought upon them, ſo they might pleaſe their maſter, gratify their own ſpirit of domination, and ſeemingly ſtrengthen themſelves by promoting men of their own complexion.

In 1609*, Mr John Murray was extruded from Leith: upon which the pariſhioners proteſted in the contrair, adding, that intruding and extruding was *now* become familiar to the biſhops, abuſing the authority they had purchaſed by falſe means from corrupt aſſemblies.

In 1610, Epiſcopacy being fully ſettled, it is obſerved from our church hiſtorians, that the people are *firſt* omitted as to any concern in ſettlements. In the aſſembly at Glaſgow of that year, all that is taken no-

* Calderwood, p. 606.

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tice of, in their regulations for admiſſion to pariſhes, is the preſentation, and certificate from miniſters.

In 1619 *, the Biſhop of Galloway, among other bad things laid to his charge, is accuſed (for even down to this time, ſuch conduct, it ſeems, was deemed criminal) of having thruſt in upon the pariſh of Gerthan, Mr A. Frizel; the pariſhioners, and all the miniſters of the dioceſe, oppoſing.

In 1622 †, the Archbiſhop of St Andrews is charged with having ſent Mr H. Macgill to be miniſter of Dunfermline, a man whom the people had never ſeen nor heard of before, and thruſt him in upon them, without conſent of either preſbytery or kirk-ſeſſion.

In what light theſe and other meaſures were viewed by the nation, is learned from a letter of Mr Struthers, that noted conformiſt, to the Earl of Airth, in 1630 ‡. "The biſhops," ſaith he, "are already *publici odii victimæ*, and borne down with contempt, and that vexation is intolerable; when they depoſe any brother "for nonconformity, they ſcarcely find an expectant to "fill the place that is empty, and that becauſe they become odious to the flock, that they can do no good "in their miniſtry." [Alas! that in theſe days we find many not ſo ſcrupulous!]. "I dwell in the moſt eminent place of this land, and ſo have occaſion to ſee "what is the fruit of a ſchiſm. Our fire is ſo great already, that it hath more need of water to quench it, "than oil to augment it."

In theſe different ways hath the genius of patronage been ever favoured by the hierarchy of clergymen affecting domination, as that of Chriſtian liberty hath been encouraged by Preſbytery.—Under the one a thouſand prejudices were begot, and the ends of edification loſt; under the other due conſideration being given to congregations in the ſettlements of their miniſters, love to paſtors, confidence in church courts, and deference to their ſentences, were produced, and good foundations for the great purpoſe of ſettlements, the advancement of religion, laid.

3. We proceed to ſhew, that the laſt principle laid

* Calderwood, p. 721. † Id. p. 789. ‡ Sir James Balfour's manuſcript annals.

down, as relating to ſettlements, *viz.* That the final judgment, in all queſtions concerning them, veſted in the judicatories of our church, hath, from firſt to laſt, been maintained in her practice.

Before that unhappy tumult at Edinburgh above mentioned in 1597, no heſitation was made as to the unlimited juriſdiction of church-courts in this matter. But among the advantages the King derived from the ſituation to which, by it, the moſt zealous of the miniſtry were reduced, this was one, that he prevailed to have "commiſſioners with aſſembly-powers" appointed, to the end, as he ſaid, "he might keep order between "him and the kirk, and to treat upon all matters tend-"ing to that uſe." One of the chief objects of this new inſtitution was to model the church, by introducing ſuch miniſters as would be obſequious to his meaſures; and therefore, *inter alia*, power was given to theſe commiſſioners "to judge both touching the plant-"ing particular congregations, and of the whole kirks "within the realm *."

One of the firſt exertions of their power † was their urging the miniſters of Edinburgh "to take them to par-"ticular flocks within the town. This they were will-"ing to do. But the greateſt controverſy ſtood in chuſing "their colleagues, which was not left free to them, and "their congregations. There was great oppoſition made "to the entry of two young men, Meſſ. Robertſon and "Hewit; but at laſt the commiſſioners (very complai-"ſant to the King) would have them placed."

Spottiſwood is more minute in his relation of this affair. After obſerving, "that the exceptions were "made againſt their youth, and not being of that "gravity which was requited in miniſters of ſuch a "place; the commiſſioners notwithſtanding proceed-"ed and decerned them to be admitted. Upon which" (adds he) "the old miniſters complained, with whom "the ſynod of Lothian joined; who repaired in great "numbers to the aſſembly, thinking to carry the mat-"ter by voice. A long conteſt enſued, which in "the end iſſued in a confirmation of the commiſſion-"ers decreet."

* Calderwood, p. 409. † Id. p. 414.

In

In this the King was deeply engaged, and for a reaſon juſtly aſſigned by Dr Robertſon: "Being at this time "ſo intent on new-modelling the church, he was par- "ticularly ſet on having perſons, on whoſe fidelity he "could rely, fixed in the new pariſhes of Edinburgh. "This added to the new decrees of the church," (which he had, not very honourably, influenced) "contributed "to confirm that abſolute dominion in eccleſiaſtical af- "fairs which James poſſeſſed during the remainder of "his reign."

It is clear, however, from this inſtance, how the matter ſtood of old with regard to the power of judicatories in the ſettlement of miniſters. Patronage had been confirmed in 1592.— Of Edinburgh the King was patron, and without a preſentation there could be no title to a benefice; yet he could not fulfil his ardent deſire of ſettling theſe favourite young men in that city, without the concurrent and effectual interpoſition of the church. The judges were a commiſſion with aſſembly-powers; and the point was carried, not by denying the church a final title to judge, but by procuring favourable judges to determine. Objections are made, not to literature or morals, but to youth, and thence a want of the neceſſary gravity for that ſtation; theſe are admitted competent. Nor is there the leaſt hint given by Spottiſwood himſelf, that if, in the ſtruggle, the oppoſition had carried it againſt their being ſettled upon theſe objections, the deciſion had not been equally fatal to the patron's intention, and to the ſettlement of the young men in that queſtion.

In like manner, in 1606, by the original record of the ſynod of Lothian yet extant, a ſimilar inſtance occurs, illuſtrating the doctrine of the extenſive and unlimited juriſdiction of church-courts in determining in the admiſſion of miniſters.

It is known to all, that at this period the King was carrying on meaſures very faſt, in order to extinguiſh the privileges of the church, and to abridge the freedom and ancient power of her judicatories. This evidently then was not a conjuncture for ſynods or preſbyteries to venture upon practices unwarranted by law, or eſtabliſhed cuſtom; far leſs, a ſeaſon for making encroach-

ments. It was more than ſufficient for them to preſerve what they had always been in poſſeſſion of. Lay-commiſſioners from the King were always preſent, to obſerve their conduct. Yet, without objection or challenge, we find the following ſentence paſſed, Feb. 22. 1606. "Likewiſe concerning the admiſſion of "Mr W. Carkettle to the kirk of Stentoun, within the "preſbytery of Dunbar, the brethren appointed Meſſ. "William Arthur, William Powrie, Nicholas Harlaw, "Alexander Greig, and Alexander Livingſtone, to "concur with the ſaid preſbytery, and to try the ſaid Mr "W. Carkettle, in age, doctrine, life, converſation, and "gifts; and either to admit and plant him at the "ſaid kirk of Stentoun, or to hold him under farther "trial, while the next ſynod; which they think expe-"dient for God's glory, and the weil of the kirk; and "this to be done the 12th day of March, and report "their diligence to the next aſſembly;" *i. e.* next ſynod.

It is clear, then, what latitude judicatories at that time poſſeſſed in judging of the admiſſion of miniſters. The act 1592 reſtricted and bound them to receive and admit; and the preſbytery and ſynod did receive Mr Carkettle accordingly; but not ſo, as in the leaſt to leſſen or infringe their title to judge his every ſuitable qualification for the miniſtry, and for that charge, even in theſe difficult and jealous days. The reſpectable ſynod of Lothian direct a preſbytery, with aſſiſtants, to judge of his age,—if too old or too young;—his converſation, if he had a behaviour not only blameleſs, as to vice, but in prudence and gravity ſuiting the ſacred office;—gifts, becoming and edifying.—Theſe go far.

Such an appointment ſuggeſts an idea very different from the modern doctrine of the neceſſity of verifying by witneſſes ſuch ſcandals againſt a candidate in order to ſet him aſide, as might bring private Chriſtians under the public cenſures of the church. The church, it is true, hath a legal eſtabliſhment; but that ought never to lead us to loſe ſight of the characters which the unalterable canons of the ſcripture have preſcribed as neceſſary to all, who ought to be admitted to ſacred functions. And our judicatories are ſtill ſuppoſed to

have

have theſe before them, as their unerring rule of conduct, to which they are invariably to adhere, as well as to any particulars explanatory of, or conſiſtent with them, in the ordinances of our church. With many of theſe, however, there is no immediate connection with literature and morals, to which the plan of our advocates for patronage would have all confined *: Hence a wide field for judgment opens. — And as objections, according to our conſtitution, may be made to any intrant upon deficiency reſpecting fewer or more of them, either by congregations, or members of court in their deliberations on the fitneſs of a ſettlement; ſo, upon all, it is the right of judicatories to judge and finally to determine, according to the powers given them in 1567 and in 1690, alſo fully reſerved to them, as formerly, in the act 1711, with regard to the admiſſion of miniſters.

There is no occaſion to mention particular deciſions by our aſſemblies in conformity to theſe powers during the exiſtence of the act 1690; as in that period the fact cannot be diſputed, they ſo very often determined ſettlements wholly upon the principles of expediency, when legal calls to qualified men were before them; and though a call, then, by heritors and elders had the ſame force and efficacy in law to produce a ſettlement, as a preſentation now has.

But even ſince, though no particular inſtances could be adduced in confirmation of the doctrine here aſſerted, yet the conſtant practice of our church-judicatories, with regard to controverted ſettlements, amounts to a full proof of its truth. Even after a preſentation is

* Obſervations on the Overture, p. 17. "But if it were once "laid down as a maxim, That every preſentee ſhould be ſettled "with all convenient diſpatch, who is found qualified by the preſ- "bytery, and againſt whoſe life and doctrine there was no proof "of any relevant objection, then, *&c.*" This is no other, but preciſely the ſyſtem practiſed in Charles II.'s time under Epiſcopacy, when patronage reigned trumphant; when calls from congregations, with every rule ſettled by Preſbyterians from the reformation, and under the act 1592, were ſet aſide; and inſtead of all, a preſentation, with a mandate from the biſhop, to whom it had been given in, were ſent to the preſbytery, who were ſtill allowed to ſit as executors of ſuch orders, and who, after their own examination, immediately ſettled upon ſerving an edict, excluding pariſhes from any other ſort of concern in the affair. The very ſituation to which many puſh violently to reduce us.

given

given and accepted, litigation often arises in church courts concerning the propriety of settling, although no particular objection is made either to the literature or moral character of the presentee: and the constant state of the vote, "Settle, or not?" or words to that purpose, abundantly shews the sense of the church concerning the powers vested in her, finally to decide in all such questions; whether for or against the presentee, as shall seem most expedient; as a greater absurdity cannot be conceived in any court, than to state a vote, and put a question, concerning a matter to which the juridiction of the court does not extend, and which could not be legally determined either way.

But, indeed, there is no want of instances in our highest courts setting aside presentees, when no objection lay to the presentation. In the case of Mr Blaikie presentee to Kinnaird in 1736 *, "the assembly finds, that Mr George Blaikie probationer "cannot be admitted minister at Kinnaird, but that parish must be otherwise settled, according to the rules "that obtain in this church." In 1742, "the sentence of the synod of Lothian, affirming a judgment "of the presbytery of Peebles, declaring, "That, in "the present circumstances of the parish of Manner, "they could not proceed to the settlement of Mr "Andrew Plummer probationer, as minister of that "parish; and recommending to the said presbytery, to "deal in the most prudent manner with all concerned, "in order to bring about the comfortable settlement of "the said parish;" affirmed unanimously by the assembly, and the moderator ordered to write letters to the "patron," &c. But what can be a stronger confirmation of this, than the conduct of the assembly 1734, in even reversing the settlement actually made of Mr Moncrieff presentee to Auchtermuchtie, by orders of the commission? There the prime minister for Scotland was present, and exerted himself to the utmost against passing this sentence, but could not prevail. These are a few instances of no very remote date, in which "probationers," with accepted presentations, were set aside, and

* See list of unprinted acts of assembly that year, and the following instances.

upon

upon other grounds than from objections to their literature, doctrine, or morals.

In like manner, in the case of ministers already in office becoming presentees, the decisions are many against their transportation. Not to go farther back, when the weight of a presentation was not so considerable in our judicatories, — in the year 1735, Mr Barclay minister at Morum had a presentation and call to Preston-kirk. — Both were found good. Yet, upon objections made to the transportation, it was carried, Not transport. But instead of selecting many, I shall take notice of one that is remarkable. May 17, 1740, "The general assembly do declare, that in respect to the difficulties attending the call to Mr Mercer to the parish of Currie, they cannot proceed to settle him in that parish, while these difficulties remain; and therefore, in case the magistrates and council of Edinburgh, as patrons, shall offer a leet of six to the presbytery of Edinburgh, at their first meeting after the assembly, to be by the said presbytery tendered to the heritors and elders; in that case the presbytery are hereby ordained to appoint a day for the moderation of a call, by the heritors and elders; and the assembly recommend to the magistrates and council of Edinburgh, to give a presentation to the person that shall be so chosen, declaring, that in case no such choice shall be reported by the presbytery, betwixt and August next, to the magistrates and council, and in case the said magistrates and council present any person they shall think fit, at any time within six months after the date hereof, the assembly do hereby appoint and ordain to proceed and settle the person to be presented by the magistrates and council of Edinburgh, in either of the events above mentioned, according to the rules of this church."

This is a capital decision; and it were well for us, if present and future assemblies would give attention to it. It was passed in an assembly that, even in the unmerited and unmeaning language of party, cannot receive the opprobrious epithet of wild! It is the sentence of that very court that deposed the eight ministers, who at first formed the Secession, and that too

by

by ſo great a majority, that only thirty of the whole body were found in the negative; which ſmall number had been leſſened conſiderably too, if the vote had been ſtated, Deprive, inſtead of Depoſe in the name of the Lord Jeſus Chriſt, or not:—Farther, Mr Mercer, the preſentee, was, beyond many, a favourite of the church-leaders at that time. He was the miniſter who above all others had, from the beginning, carried on the proſecution of Mr Ebenezer Erſkine, and whoſe triumph over him and his brethren was then completed. Yet, notwithſtanding of an unexceptionable preſentation, the aſſembly unanimouſly refuſed to ſettle him.

And here it is obſervable, that there are no objections mentioned as the ground of this refuſal, but difficulties attending the call; from the pariſh the oppoſition and reluctance was great; and while theſe remained, the aſſembly cannot proceed to ſettle. They allow the magiſtrates and council other ſix months from the date of the deciſion to preſent anew; clearly ſaying this cauſe was at an end.

Nor ought it to eſcape notice, that this deciſion, it was well known, was greatly influenced by that great lawyer and friend to this church, the late P—t D—s. He knew the powers of an aſſembly well, and evidently had a reſpect, in the drawing of the ſentence, to the ſtate of the church and of patronage in 1642, mingled with the act 1649, as it requires the ſuit of the congregation. At the ſame time, reſpect to the law and the church directed, in caſe the council of Edinburgh ſhould not chuſe (for they could not be compelled) to act in the manner pointed out, that at once the right of preſentation, and the rules of the church, ſhould be equally attended to, in the future courſe of this cauſe.

There can be no doubt, but that aſſembly, and the church's ableſt friends in it, meant (as far as their judgment and example could carry it) this to be a pattern for deciſion, in like diſagreeable caſes hereafter. And happy had it been for us, if ſuch a temper had ſtill continued. Many of our diviſions, probably, had thereby been prevented, our judicatories had preſerved more confidence and reſpect, and the church and nation had enjoyed more peace, than now we find them in poſſeſſion of.

From

From all we ſee, how the practice of the church has from the beginning, by unexceptionable inſtances, clothed and confirmed the three capital principles mentioned, in relation to the ſettling of miniſters; the oppoſition to patronage, and its limitation by law; the conſideration of congregations; and the plenary powers of judicatories in judging finally as to the admiſſion of miniſters and their ſettlements.

CHAP. VIII.

Of the partial account given of the ſtate and ſentiments concerning patronage among us, by its friends.—Of its influence to prevent cabal and diſſenſions.—Its aſpect on liberty.

HAving endeavoured candidly to ſtate the real principles of this church, and their former practice in conformity to them, with regard to patronage; let the ſpirit that hath of late appeared among us, in acknowledged oppoſition to both, be next brought under review.

The arguments now urged in favour of patronage, are not of the ſpecious kind which were wont to be employed for particular ſettlements, by our former church-politicians; — "the danger of provoking the legiſlature to "wreathe the grievous yoke ſtill harder about our "necks; — the good qualities of the preſentee; — the "hopes of the people's yielding;" &c. all which bore ſome reſpect to ancient principles. Such ſtale topics are now diſmiſſed. The argument for patronage now confeſſeth another ſource, while it is openly avowed, that though there was no law to enforce it, yet it ought to be preferred to other modes of ſettlement, on account of its "intrinſic excellence and propriety, and "its ſuperior fitneſs and utility." Nay, ſo great is the predilection of its friends in its favour, that their zeal for it ſeems to keep pace with the deſolations of which it is daily productive.

Theſe ſentiments, however, we may be permitted to ſay, are new in any church whatever. The Roman Catholics themſelves never formally approved of patronage abſolutely conſidered, and but in ſo far only as it was in the

the hands of the clergy, and ſubſervient to increaſe their power, to which they pretended a divine title. Lay-patronage, (and all with us is of this kind), with them, was rather indulged, than admitted as, in itſelf, right, and that too under many limitations. Many reformed churches threw it wholly aſide, and their confeſſions and doctors are generally againſt it. — Even in the church of England, where things, as is well known, in diſcipline and all ſuch points, were kept on the old Popiſh footing, and among whom this article never came in queſtion, it is only left to their beſt writers, to exclaim againſt the groſs abuſes of it, which they do moſt liberally, and in the moſt ſolemn manner poſſible, to rouſe, warn, and perſuade to a proper exerciſe of it *. They do not vindicate or ſupport it, as intrinſically the beſt method of providing congregations with paſtors, but rather regret deeply their want of power to reſtrain its evils.

It ſeems to be reſerved for a body of Preſbyterian clergymen, and members of the church of Scotland, in our days, to maintain, that patronage in itſelf is the moſt eligible way of planting churches. And therefore, as we hope, beſides what hath already been ſaid againſt it, it will be further made appear, that this ſcheme is truly againſt our church-conſtitution, and the intereſts of religion; liberty may be taken, as its defence is thus avowed, to ſay, in the words of a late celebrated politician, That "the gentlemen who purſue this meaſure, act not only "without regard, but in direct oppoſition to very im- "portant intereſts of their country, not only occaſion- "ally, by ſurpriſe, weakneſs, by ſtrong temptation, "or ſly ſeduction; but conſtantly, ſteadily, by deli- "berate choice, and in purſuance of principles they "avow and propagate †."

That this charge is not made wantonly and at random, the open declarations of the friends of patronage in our church-courts,—the run of deciſions, where this party prevails, in caſes too where themſelves diſ-

* See Burnet's Paſtoral Care;—Reſidence of the clergy neceſſary:—Letters from the Weekly Journal, by Generoſus;—Croſſman's ſermon; *&c.*

† Bolingbroke's idea of a patriot-king, p. 112. 8vo edit.

OWN

own not, that they might have otherwiſe determined, but which they do not, merely leſt, by breaking the uniformity of deciſion, their ſyſtem ſhould in the leaſt be ſhaken,—and their publications in defence of theſe meaſures,—abundantly demonſtrate.

To ſelect a few extracts from two of their performances, in particular, applauded by the whole party, may ſuffice to ſhew their ſpirit and intentions. The one was publiſhed ſome years ago, upon occaſion of a ſtruggle concerning a preſentation to Edinburgh, entitled, *Faction detected*; the other the late treatiſe ſo often cited already, *Obſervations on the overture.*

In the firſt, the hiſtory of our ſituation is thus given *. "For a good many years after the reſtoration of that "right (patronage) in the 10th of Queen Anne, the "people of Scotland in general had a great averſion "to preſentations, which was long preſerved by the "eccleſiaſtical courts, who received them with reluc-"tance, and took a great deal of pains to defeat them as "oft as poſſible."—Afterwards—"A great change had "now been made in the opinions of the people; the "law of patronage had been explained and enforced; "the church courts had for ſome time invariably ſup-"ported it by their deciſions; and where caſes hap-"pened where popular elections took place, they oc-"caſioned much cabal and intrigue, ſuch diſſenſion "and animoſity, beſides many ſubordinate vices, that "it no more remained doubtful with men of ſenſe and "reflection, whether or not the patronage-law was a "deſirable object." The like account of this matter is given in the Obſervations on the overture, p. 17.

This is a genuine repreſentation in reſpect to the light in which this affair is placed by the advocates of patronage; though at the ſame time it leads us to obſerve, that it is among the many evils which are derived from party-contentions, that candour is too often loſt amidſt their ſtrife. In few inſtances is this more ſtrongly verified than in the paſſage now recited.

True it is, that the people of Scotland, after the reſtoration of patronage, had a great averſion to this

* P. 12, 13. ſmall edition.

mode of ſettling miniſters. They ever had it, nor was it then abated. But it is not true, that a great change of opinion as to that matter hath now taken place: the great body of the nation ſtill retain the ſame averſion. Whence elſe the unhappy ſeparations that have already taken place? whence their yearly increaſe? and why do theſe break out in places, where, of all others, they were moſt unlikely to have appeared? Patronage alone, with its effects, is the cauſe. Vain are the ſeveral other reaſons, which with ſo much art the author of the Obſervations on the overture hath muſtered up *; ſuch as, the "greater knowledge of "literature, and more freedom of thought." On other occaſions, it is preſumed, theſe gentlemen would not be ſo apt to honour the people of our ſeparations with ſuch diſtinctions.—"The itinerant preachers" they are leſs addicted to follow than any other denominations of profeſſed Chriſtians among us.—Where are the clergy that lead to believe, that "the duties of piety and virtue "are a corruption of the goſpel?"—or who "take plea-"ſure in countenancing diviſions?" If any ſtand againſt theſe, the miniſters thus pointed at are the men. Nor are they who have increaſed in riches, generally to be found in our ſeparations.—Theſe are all affected reaſons, and without foundation; nor will they perſuade any who underſtand the true ſtate of things with us. Thoſe who have ſeparated are beſt able to give the true ones; and it is preſumed, that were any hundred of them inquired at man by man, ninety-nine would ſay, violent ſettlements are the cauſe. To this, as the grand ſource, they will refer as the chief motive of their ſeparation, and aſſign as it the *origo mali* of all †.

To

* Obſervations on the overture, p. 22. 23.

† The author of the Obſervations on the overture ſays, p 24. that, "after leaving the eſtabliſhed church, the diſſenters have "ſometimes added this to the catalogue of their grievances; but "they ſprung at firſt from other cauſes. The preſbytery of Re-"lief is the only ſociety that can even ſo much as claim to be "excepted from this obſervation; and it is remarkable, that the "other ſeceders cry out againſt them, for this very reaſon, that "they have left the church for ſuch a trifling cauſe as that of "patronage alone." Some gentlemen take great liberties in aſ-

"ſerting

To no cauſe but that of patronage, with its native conſequences, can our diviſions be aſcribed; nor is there any change in the minds of the people with regard to it. For though it is true, that when acceptable men are preſented, congregations often keep together; yet is that never to be attributed to a more favourable regard to preſentations, but ſolely to the good qualities of the preſentee, for whom, as poſſeſſing them, they are the more thankful, as the danger might not be inconſiderable of having, by the ſame power, one not ſo well qualified ſettled among them. Incomparably better pleaſed, however, would they be, had they been allowed more conſideration in his becoming their miniſter.

Again, it is true as aſſerted in *Faction detected*, that "for a long time eccleſiaſtical courts received preſen-"tations with reluctance, and took a great deal of "pains to defeat them as oft as poſſible." They did ſo, as real enemies to them, and true friends to the original principles of the church, and to our excellent revolution-eſtabliſhment, and well foreſeeing the deſtructive conſequences that muſt enſue upon their prevailing. Happy were it, if the ſame ſpirit ſtill ſhewed itſelf. Happy to our peace, our credit, and our uſefulneſs!

But how untrue and unfair is it to ſay, "Where "popular elections took place, faction and intrigue was "the conſequence?" When have *they* taken place? Was it when the *jus devolutum* fell into the hands of the preſbytery? By no means. The act 1690 is ſtill the common law and unvaried rule of practice, ac-

ſerting facts as true, that have no manner of foundation. A greater inſtance of licentiouſneſs this way, one would think, can hardly be produced than the contents of this paſſage. Who knows not, that patronage, as robbing the church of the legacy purchaſed and left her by Chriſt, was the very language and complaint of the Seceſſion from the beginning, by which they have gathered their thouſands, and ſtill gather them? That the elder Seceders upbraid the Relief-people with leaving the church for "ſo trifling a cauſe as patronage;" I know not: and preſume it is not true, as for many other reaſons, ſo for this, that they durſt not give ſuch an epithet to patronage, as a trifling cauſe of ſeceſſion, on account of their own people, who aſſuredly would thereby be grievouſly and univerſally offended; a ſtumbling-block their miniſters would not willingly lay before them, however much diſpoſed, in the ſpirit of party, they might be to inflame the reckoning againſt thoſe of the Relief.

cording to which preſbyteries have ever proceeded in that event.—So ſays the act of aſſembly, in its recital of the paſſages of Mr Ebenezer Erſkine's ſermon, as the foundation of the ſentence againſt him,—anſwering his aſſertion, that "none had the call of God who had not the call of all:" "By which," ſaith it, "he excludes the whole miniſters of the church of "Scotland, and himſelf among them, from having "the call of God, the body of Chriſtians having ne-"ver been allowed to vote in the election of a mini-"ſter."

But this, as has been ſaid above, is the conſtant art of the ſupporters of patronage, to ſet it forth, as if there was no medium between abſolute patronage, and calls merely and properly popular *. There are mediums in all mixed governments, as in our own civil conſtitution, which form the happieſt on earth for all concerned; and among them all, none more liberal, equal, and excellent, than our eccleſiaſtical one 1690.

Laying this falſehood for his foundation, "That "popular calls prevailed" before the judicatories declared for preſentations, he adds, that "cabal and in-"trigue, diſſenſion and animoſities, with many conſe-"quent vices, were the effect." This picture probably is drawn from one ſettlement in the Canongate, which afterwards ſhall be conſidered, as upon it the friends of patronage never ceaſe to declaim. If it hath a relation to any buſtles that may have happened, where the act 1690 was the rule; the anſwer is obvious: Firſt, by acknowledging, that perfect unanimity cannot be invariably hoped for, or ſecured where different people are entitled to vote at elections. Advantage has been taken of this by the votaries for arbitrary power againſt all free governments, in all ages.

Beſides, is not this the very argument moſt inſiſted upon by Roman Catholics for embracing their religion; and nineteen in twenty of the apologies of the apoſtates from the Proteſtant religion to that ſuperſtition, reſt the cauſe of their change upon this, "That in "the Proteſtant religion they find ſo many diviſions and "heats, in the Catholic ſo much unity and peace,

* See alſo Obſervations on the overture, p. 7. and throughout.

"by

" by the ſubmiſſion of all to one guide," that they muſt give the laſt, on this account, the preference. The motive is the ſame in all. And we think this advocate for the peace flowing from patronage, and againſt the cabals, *&c.* conſequent upon even ſo limited a plan for election as is eſtabliſhed by the act 1690, is perfectly fitted, and may, when he pleaſes, inliſt himſelf as a partizan for the quiet under an abſolute monarch, and under an infallible guide in religion, in order to get rid of all the diſturbances and animoſities that are the certain conſequences of any free, however limited, government. His ſpirit, his arguments, his declamation, all lie that way.

Yet, though it is confeſſed, that no human inſtitution can be perfect, there will be ſtill many, it is hoped, found among us, that, with all frightful images of cabal, diſſenſion, and conſequent vices, which are held forth as the unhappy attendants upon liberty, difference in religious ſentiments, and freedom of the election of miniſters, will yet deteſt deſpotiſm, Popery, and patronage, and declare for liberty, Proteſtantiſm, and freedom of electing miniſters according to the act 1690. Men may turn and twiſt it which way they will, but the whole of theſe ſubjects *pro* and *con* go upon the ſame foundations. The advocates for the one ſide in each of them are in the ſpirit of bondage, their oppoſers in that of liberty.

But why this imputation of cabals, *&c.* upon our free conſtitution, before the judicatories favoured patronage? Can any thing be more true, than that ſince that period we have had animoſities and diſſenſions to a degree unknown to this church formerly? or any thing leſs ſo, than that, under the freedom we formerly enjoyed, we felt any evil conſequences worth mentioning? *Then* the judicatories had before them the promoting of religion, as the great object in their deliberations. The confidence was univerſal, and the reſpect to their deciſions ſuch, that, notwithſtanding of our toleration, no ſchiſm was the fruit of them. Any diviſions upon elections, however warm during litigation, ſubſided upon the final ſentence, as will happen in all ſocieties under a well-conſtituted government.—Let the friends of patronage be

aſhamed to mention diſſenſions, or to impute them to other plans of ſettlement, when ſuch laſting animoſities are the miſerable fruit of their own plan, of carrying on ſettlements by the violence of patronage, burying and renouncing thoſe powers the legiſlature hath entruſted us with, in order to moderate its rigour. It is by the prudent uſe of theſe, and paying a juſt reſpect to the act 1690, (which at bottom is now contended againſt, though under pretence of an oppoſition to popular calls), that a reſtoration to real tranquillity can ever be hoped for.

Yet ſo ſure did the friends of patronage think themſelves of tranquillity by their invariable deciſions in favour of preſentees, that, in the Obſervations on the overture *, it is aſſerted, that "the people ſeemed to "conclude all oppoſition to a qualified preſentee unneceſſary, and diſputed ſettlements were likely to become very uncommon." It is not admitted, that the progreſs of this ſubjection was ſo great as is here repreſented; though it is true, that the diſcouragement of late to the oppoſition to preſentees hath been ſo great, that many have not publicly gone into litigation againſt them, who otherwiſe would have done it from their diſagreeableneſs to them. But what hath happened? Only this, that many pariſhes or great bodies of them have gone into ſeparation, (which is the great evil that judicatories, by an equal adminiſtration, are intended to prevent), without being at the fruitleſs trouble and expence of a church-litigation, when a diſagreeable preſentee was thruſt in upon them, and againſt whom, experience tells them, let objections be what they will, their oppoſition would be vain. We are at preſent under the evils attending the alteration of an old eſtabliſhed conſtitution, long rooted in the affection of a people; and it is to be hoped, that men of *ſenſe and reflection* will yet be found to take thought of our ſituation, and oppoſe patronage as in itſelf unreaſonable, and favour the act 1690, as a conſtitution incomparably more ſenſible, and, conſidering the national attachment to it, more calculated to produce the ſalutary end of union among us.

Again, why is it ſaid, that, "with men of ſenſe

* P. 4.

"and

" and reflection, it will no more remain a queſtion, " whether patronage is a deſirable object?" Is it only becauſe ſettlements would then go on without oppoſition? It is anſwered, That if indeed every other intereſt that is concerned in a ſettlement was at the ſame time ſecured, it would no more remain a queſtion that it were the beſt method. But if, on the contrary, the moſt important purpoſes for which a miniſtry is intended, would, by following this plan, be ſacrificed, men of ſenſe and reflection will ſtill heſitate, and reject the flattering ſyſtem. And though the author of the Obſervations on the overture * is pleaſed to beſtow ſome very ſevere and indeed juſt cenſure upon that uniformity of religion, which was the effect of " Popiſh ig- " norance and barbarity, during the midnight dark- " neſs, in which Europe was for ſome time involved by " the arts of the Pope, that ghoſtly father;" yet this very ſtate of things ſeems not to be very far diſtant from being the object of this author's own wiſh as to religion, or at leaſt is the natural conſequence of his ſcheme. —" To cut off from mankind all concern who are to be " their ſpiritual inſtructors, has an evident tendency to " produce indifference to what they teach." And ſo ſoon as men arrive at this indifference, uniformity of profeſſed opinion will be the neceſſary effect. Among things equally good or equally evil there is no room for choice, nor any cauſe of contention. In ſuch a ſituation there may be outward peace indeed; but to ſuch tranquillity, the ancient obſervation juſtly applies, *Miſera ſervitus falsò pax vocatur.*

Far different were the ſentiments of our brave anceſtors, whoſe generous efforts were directed againſt tyranny of every kind. They were not leſs aware than are our advocates for patronage, of the diſagreeable things that ſometimes appear in free conſtitutions, and from which they in ſome degree are inſeparable, particularly ſuch as ariſe from oppoſition and diſcord. They knew this well, but diſdained and repelled the objection. Not that theſe in themſelves were more their option, than they are of the greateſt lovers of deſpotiſm and patronage. But they were ſenſible too, that even

* p. 22.

partial

partial diſcords, though in themſelves unamiable, are not altogether deſtitute of good effects. But what chiefly ſatisfied them to bear with theſe, was, that to be ſaved from them by any ſpecies of arbitrary rule, was to purchaſe peace and that exemption, at the ſhocking price of everlaſting chains.

So far from being alarmed at ſuch partial evils, they who have ſearched into the genius of different governments, ſcruple not to ſay, that "the chief ſupport of (free "ſtates, as) the Britiſh, is the oppoſition of intereſt;" and "that it may be advanced as a general rule, That "where-ever a perfect calm is viſible in a ſtate that "calls itſelf a republic, the ſpirit of liberty no longer "ſubſiſts. Union in a body politic is a very equivo-"cal word. True union is ſuch a harmony, as makes "all the particular parts, as oppoſite as they may ſeem "to us, concur in the general welfare of the ſociety, "in the ſame manner as diſcords contribute to the ge-"neral melody of ſound. Union may prevail in a ſtate "full of ſeeming contradictions, *i. e.* proſperity; other-"wiſe dead bodies are laid in the grave contiguous to "one another *."

The application of theſe principles to the preſent queſtion, and the effect which the different plans of patronage and a freer conſtitution muſt have upon a ſenſe and love of liberty, in the body of the nation, is obvious. Nor does what the author of the Obſervations on the overture hath ſaid againſt what the layman had advanced on this argument, take off its force. To evade it, we are there told, That "ſtill the people have "power of a very important nature, in which they feel "their weight in a moſt ſenſible manner: for if they can "produce and verify any ſolid objection to the pre-"ſentee, all the power of the patron cannot render the "ſettlement effectual †." As this is to be done, according to this author, upon the return of an edict, (and this is clearly all the liberty he reſerves to the congregation, and the only bar, he thinks, that ought to be competent againſt the ſettlement of a preſentee), tru-

* Monteſquieu's riſe and fall of the Roman empire, p. 73. ſmall edition.

† p. 18. 19.

ly

ly he rates the privilege too high; nor will it ever have any material conſequence, either in inſpiring a ſenſe of liberty into the people, or in preſerving a church from a corrupt clergy. How in this can "the people find their "own weight in any ſenſible manner," as he alleges? What is in this peculiar to them among whom a preſentee is to be ſettled, that is not equally the privilege of any perſon whatever? Are not all at liberty at any time to libel a miniſter or preacher, as well as they, and with much more advantage too in reſpect of time and deliberation, than can be done upon the return of an edict, where an accuſation muſt be verified *inſtanter?* Beſides, preſentees are often brought from any, the moſt diſtant corner of the nation, perfect ſtrangers to the whole country where they are preſented; and upon producing the moſt general teſtimonials, their preſentation operates at once. Nor is there near the time, nor acceſs for the concerned to inquire into their character or conduct, as was formerly under our more liberal forms of ſettlement. And to what purpoſe ſhould careful inquiry be made by congregations, only to ſerve the purpoſe, if things are found diſagreeable, of vexing themſelves, for what is out of all their power to remedy? Since if all that is left them is "to object on the return of an "edict," people are now well acquainted how much of niceſt form, evidence, expenſe of money and time, as well as crime itſelf, either in morals or doctrine, are neceſſary, in theſe days, to amount to what the author means by the equivocal expreſſion, *a ſolid objection*, ſo as a candidate may be caſt upon it before a church-judicatory. And therefore, if this is all the "import-"ant power" and liberty that is left to congregations, he and his friends may reſt ſecure, that the world or church will henceforth be very ſeldom troubled with the exerciſe of it. And however its deſcription may be magnified, and may figure upon paper, it will to preſentees be very harmleſs.

This is not the light our true conſtitution gives us of the weight which congregations are to have in the election of miniſters, under the inſpection and judgment of preſbyteries.

When, by the firſt book of diſcipline, the people were

were the proper electors, there was no occaſion then (as hath been above obſerved) to give them, as a body, the power of objecting, no more than now a patron hath againſt his own preſentee. It was ſtill competent, however, for particular perſons to object to him whom the body or majority of the people did elect and preſent. When preſbyteries aſſumed the right of election, then it naturally fell to the congregations to object as they ſaw reaſon. This indeed was aſſigned to them ſo largely, that they had a proper negative upon the preſbytery. "Againſt the will of the congregation there was to be no "ſettlement." It was then altogether to be avoided, and given them in lieu of their former power of election. This was the conſtitution of the French and other foreign churches. Nor, unleſs they pleaſed, were they obliged to give reaſons, no more than any of the branches of our legiſlature are under ſuch a neceſſity, when they refuſe their conſent to a bill paſſed by the others, and ſo prevent it from becoming a law.

When the ſeſſion, by act 1649, elected and preſented, ſtill a conſiderable ſhare of a negative was reſerved to the people *. In art. 2. of the directory for election of miniſters in that year, it is ſaid, "If the people "*acquieſce* and *conſent*, the trials may go on." Art. 3. "But if it happen that the major part—diſſent,—the "matter ſhall be brought to the preſbytery, who ſhall "judge of the ſame; and if they do not find their diſ-"ſent to be grounded on cauſeleſs prejudices, they are "to appoint a *new election*." Art. 4. "If the leſſer part "of the ſeſſion and congregation ſhew their diſſent "from the election, without exceptions relevant and "verified, — the preſbytery is to go on. Yet all poſ-"ſible diligence and tenderneſs muſt be uſed to bring "all parties to an harmonious agreement." Who diſcerns not here, that as harmony is the great object in view in order to anſwer the important ends of the miniſtry with advantage, ſo every endeavour is to be uſed for procuring it, even to gain a minority? The minority is allowed to propoſe relevant objections, and to verify them. But it is another language that is uſed with regard to a diſſenting majority. Far from confining them

* Directory for election of miniſters, 1649.

to

to object, and prove what would depoſe, " bad doctrine " or bad morals;" without ſuppoſing the leaſt cenſure to the candidate, their diſſent even againſt " an election " made," if the grounds of diſſent are not founded on " cauſeleſs prejudices," perfectly frivolous or falſe, is to be admitted. This, if not " altogether," is certainly " almoſt" the old abſolute negative.

And this throws no ſmall light upon the true meaning of that part of the act 1690, which belongs to the ſhare aſſigned to the congregation in the election. The candidate, after election, is propoſed or preſented to the congregation. The diſtinction between the major and the leſſer part of it, as in the act 1649, is not mentioned, but from more or fewer diſapprovers (not libellers upon doctrine or morals) reaſons of diſapprobation are admitted, to be laid before and cognoſced by the preſbytery, who are to judge and determine concerning them. And what the genuine meaning of this privilege is, will beſt appear by the commentary publicly put upon it, by the wiſeſt men of the church at that time.

It hath been ſaid, that from the ſmall number of our miniſters at the revolution, and the importance and delicacy of the ſubject, the church did not judge it prudent in themſelves at firſt, to eſtabliſh a rule of ſettling miniſters. Though the act 1690 was formed in the moſt entire concert with them by the ſtate, yet they were not long in thinking of this important matter. Accordingly, in 1696, very large overtures were framed by the aſſembly, as a complete ſyſtem of their policy; and apparently that part of them which concerns the election of miniſters, has a relation to the act 1690. Among others theſe articles are remarkable. Chap. iii. § 20. " Though a plurality of heritors and elders will " always be thought the voice of the meeting, and in " law and reaſon is ſo counted; yet it is moſt deſirable " to have the univerſal conſent, and ought to be endeavoured." § 21. " And the moderator and electors " are wiſely to conſider, that though the objections " that any of the heads of families make againſt the " perſon whom the electors have named in order to elec- " tion, may in themſelves be frivolous, and of ſmall " moment; yet the weight they have with the preju-

" dicated

" dicated perſons, and the quality of theſe perſons, " and their influence in the congregattion, are duly to " be pondered: and if conſiderable great tenderneſs is " to be uſed," &c. § 28. " If there has been any " conſiderable averſion manifeſted, or objections made " againſt the call, the preſbytery is then to weigh the " whole affair, wherein the moſt univerſal edification " of the congregation is to be ſtudied, and their great- " eſt good is to be the ſtandard; — and if a better can " be propoſed, it is to be followed, and preferred to " that which may be good and deſerving in itſelf." § 29. " And particularly the proportion of his (the can- " didate's) gifts in relation to the place to which he is " called, is to be ſtudied."

In 1711, " If any heritor, elders, or heads of fami- " lies —offer ſufficient objections againſt the perſon to " be ſettled, as to his orthodoxy, literature, life, and " converſation, or " other miniſterial qualifications;" " then," &c.

The ſame principle and ſpirit, we formerly obſerved, run through the overtures of 1719, which, it is known, paſſed not into an act, not in the leaſt becauſe of the objections to that part of them which concerned theſe points, but upon contention about the powers of general ſeſſions, and of miniſters and moderators of ſeſſions, included in them, and warmly conteſted at that time.

It was proper to open this matter the more copiouſly, becauſe notions are now propagated, and obtain among the friends of patronage, inconſiſtent with the genius and ſpirit that runs through our whole conſtitution, and which hath been admitted in all periods of its exiſtence. It is not ſaid, the people have the election, as under the firſt book of diſcipline, nor that they have an abſolute *veto*, as under the ſecond; but that, as under the acts 1649 and 1690, they are not confined *merely* to objections againſt doctrine or morals, and theſe to be made good too upon the return of an edict; ſo they are allowed great latitude in ſtating what they have to ſay againſt a candidate, at the moderation of a call, and before preſbyteries, who are entitled ſtill legally, even by the act reſtoring patronages in 1711, to judge of every thing concerning the admiſſion of miniſters, as " they did,

" or

"or ought to have done, before the making of that act." It is ſtill competent, therefore, for the whole or any part of a congregation to come before a preſbytery, with their Bibles, and the regulations eſtabliſhed by the church, in their hands, and object to whatever in a preſentee they think is diſagreeable to theſe. Not only may they ſay, his doctrine is not according to ſcripture and to the ſtandards, giving the church's ſenſe of them, and ſpecifying the reaſons of their aſſertion; or, that he is untender in his converſation, comparing it with ſcripture, and acts of aſſembly regulating the particular conduct of ſuch as are in the ſacred miniſtry; but they may make objections to his character, if he is not of good report, and bring expreſs ſcripture for their ſo doing;—nay, though acknowledged blameleſs, may object to his age, his utterance, his prudence, his miniſterial qualifications, his ſtrength *, as not adapted to their congregation; and, in theſe and many other points, be ſupported by particular reſolutions and acts of the church, as valid to ſtop ſettlements. Theſe, preſbyteries are entitled and bound calmly to hear, cognoſce, and, according to the importance and evidence of the charge, to judge and determine. This is one of the great ſcenes, wherein the diſcretionary powers veſted in judicatories by law, is called to be exerted; and where they ought to be exerted, with patience, impartiality, in the fear of God, and attention to the intereſts of religion. To inſiſt on theſe is not *quibbling* on the word *qualification*, as the author † of the Obſervations on the overture is pleaſed ſupercilioufly to repreſent a congregation's inſiſting upon a deficiency in ſuch articles in a candidate. There is ſenſe and ſolidity in them, if anſwering the ends of the miniſtry is to be regarded; and, in ſpite of all this author hath ſaid, known and eſtabliſhed in our conſtitution, and the laws of our church, and, upon their being verified, juſt reaſons of ſetting aſide both preſentations and calls.

* This our author himſelf admits as a neceſſary requiſite in a miniſter; the want of which therefore may found a valid objection; Obſ p. 8. "ſuch a degree of bodily ſtrength as may enable "him to do his duty with alacrity."

† p. 30.

Such is the liberty that is ſtill, by conſtitution, the privilege of congregations; and quite another thing, and incomparably more valuable than that narrow plan to which the friends of patronage, and the author of Obſervations on the overture, would confine it. It is true what he ſays *, "that, by the act of parliament "1690, preſbyteries were not to ſtop upon ſimple diſ-"approbation." It never was ſuppoſed in the law, that people would do ſo; but that the objectors would always aſſign ſome reaſons, for not being well affected to any miniſter elect. They loved and confided in judicatories then, and knew, that what they alleged would be candidly weighed by them; and when ſo treated, the judgment of the courts often ſtilled their complaints, and brought them to yield. Whereas, when they find themſelves deſpiſed, and their objections, however ſcriptural and conſtitutional, rejected with contempt, they become ſullen and intractable. Averſion increaſes, and ſeparation abounds. When all they hear is, "† No-"thing ſhould defeat the ſettlement of a preſentee, if "he is qualified in literature, doctrine, and morals;" many other things, as hath been ſhewn, are ſtill competent for this, and greatly extend the limits of the people's liberty in the calling of miniſters. And yet after all, we ſee, by the overtures of the aſſembly 1696 above cited, where the prejudices are univerſal and ſtrong, great tenderneſs is to be uſed; and upon the whole the judicatories are directed, in their deciſions, to reſpect the edification of the churches, and their greateſt good is to be the ſtandard of judging. No man diſpoſed to think temperately on this matter, can be perſuaded, the wiſe authors of theſe overtures would have agreed to many ſettlements of late made among us, under any conſtitution under heaven.

It never can be given up as a fact, that the ſenſe and a value for the ſhare of liberty allowed the people in our eccleſiaſtical conſtitution, hath been, and ever will continue to be, the chief ground of this attachment to civil liberty, and the chief inſtance in which the ſpirit of it can be exerted by them.

Men of liberal education, and extenſive knowledge of mankind, and of the effects of different models of

* P. 47. † P. 53.

government

government upon happineſs, may from ſuch conſiderations prefer free conſtitutions to deſpotiſm. But theſe ſpeculations are too abſtract, and too remote from the ideas of the general run of mankind, to operate with any force on their judgment. Preſent and ſenſible objects chiefly affect their minds. Some actual exerciſe of liberty, therefore, muſt be indulged to thoſe who we would wiſh to be its votaries. Nothing is more calculated to produce this effect with us, than our people's being allowed ſome intereſt in determining who are to be their teachers in ſpiritual and eternal concerns. This hath been the hinge upon which their attachment or averſion to our various princes hath turned. Deprived of this, though they had formerly fought for King Charles II. they afterwards became irreconcileable to his government.—In hopes of this liberty, they embraced the revolution with ardour.—This being ſecured to them at that glorious period, they have been faithful to its intereſts ever ſince.—What miniſter was not ſenſible, upon occaſion of the laſt rebellion, taking the matter in general, that in proportion as their people were more or leſs attached to the concerns of religion, with which, in their ideas, the having miniſters to their liking hath an immediate connection, ſo were they more or leſs intereſted in the event of that inſurrection? To others it was a matter of yea or nay, to ſubmit to the conqueror, whoever he might be. If their great object, earthly property, was ſecured,—as to the reſt, a Brunſwick or a Stuart was equal to them.

This is the great, almoſt the only point wherein our commons have known liberty, and which our Preſbyterian government has indulged and tutored them to exerciſe it in. Our people are not like their neighbours in England, who are admitted to practiſe it in other departments, and to which if theſe laſt were not habituated, they would ſoon in civil reſpects imbibe the ſame ſpirit of ſlaviſh dependence, which at preſent they are under in the matter of their clergy. For who knows not, that to them in general, through the domination of patronage, it hath become the moſt indifferent thing imaginable, who as a clergyman is ſet over them? So with us, if, like them, the body of

our people are to be cut out from all concern in the ſettlement of miniſters, and, as the ſtate ſo ſteadily purſued to bring them to, unquarrelled, to receive whoever may be preſented to them; what is to be looked for, among thoſe who remain in the eſtabliſhment, but a ſpirit of ſervitude, and men at once equally void of concern about religion and liberty? Even the very forms of our former religious liberty muſt ceaſe, not only of what the body of congregations poſſeſſed, in giving conſent or offering objections at the moderation of calls to candidates, but that more important ſhare of it, that belonged to the electors themſelves in voting for them; by which means, that great rule of our church, "a call itſelf," will be laid aſide. This, as expreſſing the will of a worſhipping congregation, leſs or more, to have a candidate for their miniſter, our church hath ever made neceſſary in order to ſettlement. But who ſees not, that this, if the preſent deſigns of the friends of patronage take place, muſt by and by fall altogether? Not a few inſtances can be ſpecified, wherein of late, through the haughty neglect of ſome ſtately patrons, who deigned not to acknowledge the moſt capital gentlemen in pariſhes, ſo far as to aſk them the almoſt no favour of their countenance to their own preſentee, they have declined appearing at moderations. But though in every inſtance this unpoliteneſs may not appear, is it not to be certainly expected, that men of reflection will in time come to reaſon and act, as, we are told by Dr Robertſon *, the Germans did? Once," ſaith he, "many attended the elections of the emperors; at laſt neither people nor barons did; after "the great princes ingroſſed ſo much influence in the "election, they found it became unneceſſary to attend, when they had no other function but that of "confirming the deed of theſe more powerful princes "by their aſſent." This conduct ſtands to reaſon; and the like effect, from a cauſe ſo ſimilar, muſt in a little time take place with us.—Who obſerves not, that patrons, encouraged by the uniformity of our deciſions in their favour, feel their importance more and more, and daily act with greater loftineſs in the exer-

* Hiſtory of Charles V. vol. i. p. 380.

ciſe

ciſe of their right, and, of conſequence, that all ranks in congregations are leſs concerned to appear at moderations? It requires ſome time in any ſociety entirely to give up with their old eſtabliſhed forms, even after the ſpirit of them is gone; and ſo in this inſtance it may be with us. The ſhadows of moderations and calls may for a little while be preſerved to us; but if the friends of patronage have their full wiſhes accompliſhed, then of courſe even theſe ſhadows will alſo paſs away. Then farewell our valuable church-eſtabliſhment, and every thing that is ſpiritual relating to the ſettling of miniſters in it; all ſecularized with a witneſs, as a church of Chriſt all will be gone, and along with it, the ſtrongeſt hold of liberty, the body of our people ever were or can be poſſeſſed of.

Aware of the plea for liberty upon this ſubject, in an age that carries its attachment to every appearance of it ſo high, the author of Obſervations on the overture takes the freedom, as in friendſhip to it, to ſay *, that "the conteſts about the ſettlement of miniſters "ſeem rather to give ſecurity to the ariſtocratical ge-"nius of our government, by withdrawing the atten-"tion of the nation from all ideas of civil liberty, "and fixing it on a ſpecies of liberty that is not only "frivolous in itſelf, but, if attained, would prove "hurtful to the moſt valuable intereſts of ſociety."—The hurt the liberty contended for, would do the valuable intereſts of ſociety, ſhall be afterwards conſidered. We are now upon the liberty itſelf; and can any thing be more amazing than what is here aſſerted concerning it? Does this author in good earneſt, by this, wiſh for an alteration in our civil conſtitution, and that our people ſhould ſtruggle for encroachments upon the privileges eſtabliſhed to men of ſuperior rank amongſt us? And is this the advocate for peace, the foe to diſcord? What convulſions muſt not enſue upon ſuch an attempt? But was ever greater abſurdity uttered, than that the fixing the attention on one ſpecies of liberty, was the way to draw it from other branches of it? Is this gentleman to be taught, that no habits are more apt to grow than thoſe that relate to power, whether in monarchies,

* p. 19.

ariſtocracies, or democracies? that even the control each of theſe have upon the others, in our civil conſtitution, where all are mingled, can ſcarcely ſecure againſt the particular tendency of each to predominate? Or if it were a deſirable thing, that the body of our nation ſhould war againſt our ariſtocracy, as he plainly, by thus laying his argument, ſuppoſeth, ought he not to be ardent to emancipate the nation from the oppreſſion, which, in the point before us, they certainly are under? Will it ever follow, that becauſe men are admitted to the exerciſe of one branch of liberty,—therefore they will be indifferent about others? Is not the reverſe the juſter concluſion? Indulge them to know the ſweets of liberty in one inſtance, and they will aſſuredly be fond of it in all. View this in the light of its proper contraſt, and in Dr Robertſon's words formerly cited, and it will appear irrefragable: "The reformation filled the human mind with more "liberal and generous ſentiments of human liberty. "The genius of Popery is extremely favourable to "the power of princes; the implicit ſubmiſſion to all "her decrees, which is exalted by the Roman princes, "breaks the mind to political ſervitude." And the doctrine of the "reformers—weakened the firmeſt "foundations of civil tyranny;" and by nothing more than in the article now before us, of liberty to chuſe paſtors. By denying them this, you break their minds, by making it indifferent to them, by whom they are taught, and ſmother every complaint ariſing from thence. Let any man tell, what better preparation can be deviſed for their receiving any other yoke? In Scotland, it may be aſſerted, there is none.

As the above poſition is fraught with abſurdity, to what, but to a ſpirit of indifference in religion, can we aſcribe what follows, that "this ſpecies of liberty is fri-"volous in itſelf?" For why elſe is it frivolous? An arbitrary aſſertion does not prove it is ſo. To thoſe only will this ſpecies of liberty be trifling and frivolous, who lay little ſtreſs upon the ſalvation brought to us by the Son of God. To thoſe who credit it, and who know their immortality depends upon true inſtruction therein, it never can be of little conſequence, who are their teachers in it.

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On the contrary, on few things on earth are their hearts more ſet, than having able, well-qualified, and to them acceptable men ſet over them, in this moſt important office. And that we *may* be under the care of very weak improper teachers, this very author is witneſs, by the ridiculous pictures he hath himſelf drawn of ſome of the candidates for that profeſſion among us; when he would praiſe patrons as the better judges, and our beſt ſecurity againſt ſuch being preferred. In itſelf, therefore, the ſpecies of liberty that has this for its object, leaſt merits the epithet of *frivolous*.—And as in itſelf it is not frivolous, ſo neither is it deſtitute of importance in its effect, in this view of the argument, upon a love of civil liberty. They who eſteem the former on account of its proper object, will naturally be attached to the latter; well knowing, that, beſides its own worth, without it, the other can never be well ſecured. Such therefore, in every light, will be moſt tenacious, and the ſureſt votaries of public liberty. And ſo, in experience, is it ever found.

In theſe times to lay any reſtraint upon the ſpirit of liberty, ſeems the more prepoſterous, as our good government has been at ſo much pains to transfuſe a ſenſe of it among all ranks in theſe dominions. After the rebellion 1745, at what expence did they ſet our highlands free from their civil lords and patrons? And how perverſe is it to ſhew ſo much ardour to root out that ſpecies of liberty, the ſenſe and love of which in others had all along attached them to the cauſe and friends of civil liberty, by bringing them into this eccleſiaſtical bondage? From *their hands* eſpeciallywho are at preſent ſo buſy in rivetting theſe chains upon them, the impoſition is at once cruel and ungrateful. By the moſt ſolemn declarations and ſubſcriptions, as in the ſight of God, theſe have declared their preference of our Preſbyterian conſtitution above all others, and their determination ever to abide by and ſupport it. And can it ever be forgotten, that except for th inviolable attachment of that generation of men they now ſpoil of that for which they endured and bled, they never had poſſeſſed what they ſo much profeſs to love and value? Inconſiſtent then and barbarous it is, without

out neceſſity (which is ſtill inſiſted upon) to ſtretch every nerve to deſtroy, and not rather to cheriſh and ſupport the juſt and conſtitutional claims our adverſaries have left, of what was ever held ſo dear, by our beſt friends.

CHAP. IX.

Of the neceſſity from law to ſettle preſentees.—Effects of the various ſyſtems upon religion, and ſecuring a ſucceſſion of well-qualified miniſters.—Different view of qualifications for the miniſtry.—Motives influencing to that office.—Doctrine.—Beſt judges.—Effects of different plans on future temper and conduct.

THE zeal of the advocates for patronage excites them to preſs every argument into their ſervice. Above we have ſeen them extol it as beſt calculated to prevent diſcord, and make light of the liberty it deprives men of. By and by they inſiſt on the neceſſity we are under to ſubmit to it, on account of the law that hath eſtabliſhed and enforced it; arguing, that be the mode of ſettlement better or worſe, we muſt ſubmit to it: "for when a ſtate vouchſafes its ſupport to any e-"ſtabliſhed order of clergy, they give it on their own "terms, and in accepting the advantage they are bound "to ſubmit to them." A general propoſition may have a great deal of truth in it, and its application to a particular caſe may be very inconcluſive. It is ſo here. It is firſt to be obſerved, that this ſtate of the argument has nothing to do with a more or leſs eligible method of ſettlement. The conſideration of intrinſic excellence, as hath been formerly urged, is quite thrown out by it. And it ſignifies nothing, to have been told by the author of Obſervations on the overture *, in order to obviate the alledgeance, "That "the firſt ages of Chriſtians knew nothing of patron-"age, but uſed a freer method of chuſing their church-"officers;" "That in the early ages of Chriſtianity, "the church being without countenance from the civil "magiſtrate, adopted that form of government which "was neceſſary to her preſent circumſtances." And ſo, with him, the reaſon of their not adopting patronage, was from ignorance, or neceſſity, and not choice, as if it

* p. 34 and 54.

were

were not the moſt eligible method *. Yet if this be the only method Chriſtians firſt knew, and under which the church ſo certainly flouriſhed ſo much, one might hazard to aſſert, that let the neceſſity of law be what it may, it cannot be unbecoming in Chriſtians ſo far to reſpect the good old way, as not to go beyond the neceſſity of law, to pour contempt upon it, and tread every veſtige of it under foot.

But to come cloſer to the argument: Becauſe, ſay they, there is a law for patronage, therefore it ought to be ſubmitted to. Allow the conſequence, that we ought ſo to do. This cannot be carried farther than the law itſelf appoints. We are not to be impoſed upon by words and ſounds. Thus though we have a King that ought to be obeyed, it does not follow, that we are bound to obey without reſerve, or further than the conſtitution permits and directs. Our ſovereign's title to our ſubmiſſion is limited, as is the law of patronage; and the law calls not for more ſubjection than itſelf preſcribes. The intention of theſe papers has been to ſhew, that this is a law under many reſerves: — That the church, by this very law, is veſted with many privileges, in order to moderate patronage, which is not only her title, but her duty bravely to exert, on all proper occaſions, in order to anſwer the good intention of the legiſlature itſelf in beſtowing them. And the complaint and charge againſt the preſent meaſures of violence is, that they who carry them on, preſumptuouſly violate the conſtitutional truſt repoſed in the judicatories, in order to prevent the many diſad-

* And yet, if patronage be truly ſo, it cannot but appear ſurpriſing, that even in theſe ages of ſuperior wiſdom and obſervation, and after all the happy conſequences the Chriſtian world hath experienced of this conſtitution by imperceptible degrees brought to perfection, through a ſucceſſion of ages, in the Roman church and elſewhere, no Chriſtian ſociety, of whatever denomination, is found to adopt it, and for peace, and almoſt every other advantage, veſt their power of electing their officers in ſome ſingle perſon; and, ſure that his ſucceſſors will never be fools nor corrupt, entail it alſo upon them. What pity is it they ſhould without exception keep to the rude and indigeſted policy of the infancy of Chriſtianity (*Obſ. p.* 33.), and prefer the chuſing their miniſters themſelves, to the neglect of this more perfect way!

vantages

vantages that attend religious inſtructions, when, thro' the wanton and rigorous uſe of this right, averſion and diſlike are begot againſt its teachers, and which it is clearly by their legal right, when they ſee cauſe to give it againſt ſettling even a qualified preſentee, in the power of church-courts to check and prevent. — That the conſtitutional right, in thoſe intereſted in calls, to offer objections to candidates, which by the acts of the church, according to her liberty eſtabliſhed by law, are many and various, and declared to be valid and good to ſet aſide preſentees, is diſcouraged to the higheſt degree, and all attempted to be confined to objections againſt life or doctrine upon the return of an edict *. — That, inſtead of taking every fair opportunity, as our fathers did, after the reſtoration of patronage, of ſetting preſentations aſide, thereby holding forth to all men our honeſt ſtedfaſtneſs to the true principles of this church, the juſt ſenſe we have of the deſtructive tendency of this method of ſettlement to the beſt intereſts, and of the injury done by bringing us under this bondage, every ſentiment and effort in favour of our ancient freedom is diſcouraged to the utmoſt, and chains endeavoured to be rivetted immoveably upon us.—That, in ſhort, the public ſupport for the miniſtry, even under this law, is afforded on gentler terms, than thoſe who affect to lead us are willing to receive it.—And that the law entitles to more liberty than they do or are willing to uſe.--Theſe are our complaints.

By the law, as a meaſure of ſubjection, ought to be underſtood the *whole law*. And as ſome people chuſe to argue, "becauſe there is a law for patronage, therefore it ought to be ſubmitted to, to the utmoſt extent;" others may be allowed to inſiſt, that as patronage is confeſſedly a right encroaching upon, and injurious to the liberties of mankind, and the ſtatutes concerning it formed with conſiderable limitations, it ought to be underſtood in the moſt confined way conſiſtent with the letter and ſpirit of the law; and that they who, under pretence of ſubjection to it in favour of patronage, do not vigorouſly aſſert every privilege in the law, favourable to Chriſtians and their liberties, not

* Obſervations on the overture, p. 19.

only

only act illegally, but in ſo far are unfriendly to liberty, and to the intereſts of religion, make void the good intentions of the legiſlature to reſtrain oppreſſion, and are unfaithful to the confidence repoſed in them for the relief of their fellow-ſubjects and Chriſtians. Greatly is it to be deſired, that patronage was utterly aboliſhed; but it is hard, very hard, that, inſtead of cheriſhing and improving the remains of freedom, we ſhould ſhew ourſelves ſo fond of this bondage, as to carry its oppreſſion farther than the law for it intends, either in its letter or ſpirit.

It is a juſt obſervation, with which the author of Obſervations on the overture introduces himſelf to his ſubject *; "That governments once fully eſtabliſhed have "a certain influence on the characters of men under "them." In application of this principle afterwards to the point in queſtion †, he propoſes to inquire, "which of "the (two) methods of ſettlement, that have been men-"tioned, bids faireſt for ſecuring a ſucceſſion of ſuch as "are qualified, in this manner, for their ſacred office, as "well as in point of doctrine and morals;" as the different modes of ſettlement muſt be followed with great effects upon the future characters and conduct of miniſters. This, it is acknowledged, is a very capital conſideration, and that upon a fair diſcuſſion of this point, that mode of ſettlement which appears moſt conducive to fill the church with clergymen beſt qualified for their important office, is well entitled to the preference. As it muſt be further granted, that if patronage is diſcovered beſt to anſwer that end, it ought to be embraced with particular ardour, in that, by the plenitude of its power, it ſo unerringly and at once anſwers its end. No ſyſtem was ever ſo calculated to model a ſociety. Grant me this authority, and whether I am diſpoſed to true religion or ſuperſtition, or whatever elſe you pleaſe, I ſhall ſoon produce a ſet of men to my taſte. Nor can I be perſuaded, but it is this very conſideration which hath produced the great zeal in many of our preſent friends of patronage to promote its eſtabliſhment and influence in our church. To our candidates for the miniſtry taken as a body, any method of ſettlement is equal, as, upon the whole, the ſame number of them muſt be ſettled

* p. 3. † p. 8. & 11.

tled upon all or any ſcheme. But conſidering them of different complexions, as to ſentiments and manners, one mode of ſettling churches may be eligible to one ſort more than another, as they may expect encouragement from either, according to their various characters and appearances.

As, then, it is admitted on all hands, that the beſt qualified for the miniſtry ought to be preferred,—it will be proper firſt to ſettle the idea of qualification; the rather, that it is clear to me, from the author of Obſervations, and many other friends of patronage, that this is a point, however eſſential, we are likely to differ upon.

Were I to be aſked, What qualifies a man for the miniſtry? it would be natural for me to have recourſe to the New Teſtament, and there ſearch for the characters which our Lord and his apoſtles have unalterably fixed as neceſſary and ſufficient for that office; and in which I would be the rather induced to reſt, becauſe not ſuperficially nor as by accident, but profeſſedly and with great care and preciſion, this matter is treated of in various places of ſcripture; and would thence think myſelf well founded to conclude, that as no pope nor other ſociety of men, by whatever name they may pleaſe to call themſelves, can conſtitute or make a man truly qualified for the miniſtry that wants theſe eſſential characters and qualities; ſo whoever has them, and in proportion as he excels in them, and is regularly called to the exerciſe of them, is undoubtedly a well-qualified miniſter. Such were thoſe paſtors, teachers, and elders or biſhops, who by the apoſtles were ordained and ſet apart in all the churches in the beginning, as well as their ſucceſſors for ſome ages afterwards, who ſubdued the nations to the obedience of the faith;—faithful men, who were able to teach others, by the truth committed to their truſt, rightly dividing it; which they held faſt, and by ſound doctrine exhorted and convinced gainſayers; ſhewing themſelves in the mean time patterns of good works, in doctrine uncorruptneſs, gravity, ſincerity, &c. *

* See Acts xx. 28. Eph. iv. 11. 12. 1 Tim. iii. 1.—13. & iv. 7.—16. 2 Tim. ii. 2, 15.—25. Tit. i. 5.—9. & ii. 7.—15.

Theſe

These and other such scriptural characters are undoubtedly fundamentals, and in the first place necessary in the affair of the ministry; and they who possess them, we are taught by the highest authority, are qualified for the sacred office, want what else they may.

Far be it from me, however, to dispraise human learning, or vilify any manly accomplishment in ministers. Nay, if it would not provoke this strenuous advocate for "a thorough knowledge of history, morals, and other "parts of literature, as necessary to understand, and ex-"plain to others the scriptures and systems of theology, "and to combat the irregular passions of mankind *;" though I would not rest altogether in these acquirements, but must chiefly depend for success on higher aid, yet I assure him, that I, with many other adversaries of patronage, often and deeply regret the decay of real literature among the generality of candidates for the ministry, and particularly since the æra of its triumph; — and we lament, that there are so few real or hard students rising among us, and such amazing neglect of what undoubtedly ought to be the main object of their inquiry, the true knowledge of the scriptures, of theology, and of Christian antiquity; while their erudition in other respects is but slender, notwithstanding all the boast of present improvements, as the flimsy appearances on trials, their other exhibitions, and indeed their libraries, bear witness.

But what is more directly to our present argument, let it be observed, that though, by way of answer to the layman's sentiments †, our author is pretty diffuse, yet

* Observations on the overture, p. 9.

† The author does not profess making a direct vindication of all the thoughts of the layman against the attacks of the writer of Observations on the overture against them; and but in so far remarks upon him, as his assertions fall in with his own argument. Yet he cannot help observing on this article of the qualifications of ministers, that the layman is treated with little candour by this author. On the contrary, his representation both of the sense and language of his opponent is very partial. The evident spirit and tendency of what the layman says, is, to establish the qualifications that are primarily and essentially necessary to the right discharge of the office of the ministry (p. 32.), and which he asserts ought to be first and principally in view in the choice of a clergyman. Other endowments, however desirable, (and he expressly says they are so), he mentions as secondary en-

yet theſe leading ſcriptural ideas of the miniſterial qualifications are greatly overlooked, and a ſyſtem eſtabliſhed

ly, and ſubordinate. This he very properly illuſtrates (p. 33.) by the inſtances of chuſing judges or phyſicians; where prudence would indiſputably direct the determination in favour of ſuch as were learned in the laws of his country in the one, and in medicine in the other; and where excellence in poetry or oratory, however aggrandizing to the perſonal reputation, or ornamental to a private character, yet, as to theſe particular profeſſions, would fall to be conſidered in a very inferior point of view. And if, in the application of theſe illuſtrations of the layman to the miniſtry, a high taſte in literature, elegant accompliſhments, and critical ſkill in the fine arts, are made but ſecondary qualities; where is the impropriety, or juſt ground for all the ſcorn and indignation his adverſary pours upon him? Or if, in the purſuit of his argument, the expreſſion ſo much quarrelled, "That ſuch qualities by no means enter into the paſtoral character, as an *eſſential* ingredient," hath eſcaped the layman; it can by no means be fairly conſtructed, in him, into a contempt of learning. He in expreſs terms declares the contrary; and beſides he knew as well as his opponent, if he had intended to diſcourage or ſet aſide literature, that by our conſtitution it was in vain. Since (Obſervat. on the overture, p. 9.) "the very deſign of thoſe trials "which every clergyman muſt undergo, before he is either licen-"ſed to preach, or admitted to a charge, is, that the preſbytery "may have a proof of his knowledge in the learned languages, "and of his talents in compoſition, as well as of his knowledge "in theology; and that they may ſet him aſide, if he is found "deficient in either of theſe reſpects."

But if the layman, by his above poſition, has aſſerted what is ſo blameable, why has not this author ſhewed the error in the words of truth and ſoberneſs? Contempt is not the moſt proper way of anſwering falſehood. This does not ſatisfy a fair inquirer, as, by taking a little trouble, it may pretty plauſibly be poured upon truth, as well as the other. But will he indeed undertake the proof of the contrary propoſition, namely, "That polite literature and elegant erudition are *eſſential* to the miniſtry?" That they are uſeful and advantageous, is not diſputed by the layman, but admitted, aſſerted, and wiſhed for in every one of them, p. 32. But this author would make them *eſſential*, that is, as is the layman's evident meaning, neceſſary to the exiſtence of the miniſtry. If it was really ſo, then we are ſure few of the original miniſters of the goſpel were qualified. Many even of the celebrated fathers of the church were but very moderately learned; in arts and ſciences but ſlenderly inſtructed; even as to language, thoſe of the Eaſt were little acquainted with Latin itſelf, as their brethren of the Weſt were generally no great adepts in the Oriental tongues. To which, if a perverſe commentator would not miſconſtruct it, it might be added, that many of the hereſies that of old pettered and deformed the church, flowed from the affected ſtudy of philoſophy, particularly in the ſecond Alexandrian ſchool, to the neglect of the ſimplicity that is in Chriſt. Are theſe qualities *eſſential* then? In ſtrict language, notwithſtanding the noiſe made againſt this expreſſion, for all

that

ed with regard to them, as is conceived, very unſcriptural. Thus, with regard to the principles which determine

that appears, it is capable of a very juſt defence.—And why hath not this critic undertaken alſo to expoſe the layman in his application of *eſſential* to the requiſites of a judge and phyſician, which he expreſsly alludes to, in their departments, in order that, by ſuch ſimilar inſtances, he might the more clearly illuſtrate the eſſentials to miniſters? Have any of the gentlemen of theſe profeſſions complained of his abſurdity in deſcribing what is *eſſential*, and what is not ſo, to them? What is the inference the world is apt to make from this, but that the gentlemen of the law and phyſic conſider eminence in their *own* proper buſineſs, as eſſential to them, making that their *chief object?* Whereas clergymen now-a-days, notwithſtanding of a divine command, to *meditate on theſe things*, to *give themſelves wholly to them*, that *their profiting* in them *may appear unto all*, and may *ſave their own and others ſouls*, can purſue other ſubjects, of incomparable leſs value, and little connected with what ought to be their primary object.

Another expreſſion of the layman that gives great umbrage, is his ſaying, "that a miniſter ſhould become the perſonal friend, "and in ſome meaſure the companion of his pariſhioners." It is not the mark of any dignity of mind, to carp at an unwary or unguarded expreſſion in any author, eſpecially when the capital things in his performance are left unanſwered by his adverſary. This is certainly the caſe before us. The points of law argued by the layman for the freedom and liberty of our church, ſtand yet unſhaken and clear. An incidental expreſſion, ſuppoſing it wrong, is of leſs conſequence. But, after all, where is the mighty ground of offence in it, when fairly underſtood? The layman is enumerating very important articles of miniſterial labour, which it were well for his cenſurer, if in the miniſtry, he never forgot; and adds, "he ſhould become the perſon-"al friend of each of his pariſhioners:" and why not? It is conſiſtent with the dignity of character; rather without it, whatever be the appearance, there is no true dignity without being the friend of the loweſt man upon earth. But it is added, "and in "ſome meaſure the companion." The layman can beſt explain his own meaning; but a candid reader will not affix to this ſingle expreſſion the illiberal idea, nor draw from it the conſequences this author hath done (Obſ. p. 10) It were unjuſt if he did, as it is unjuſt in this author to have maimed them in his manner of citing them. He ſtops where he ſhould not, in order, as would ſeem, to find a ſhadow for accuſing the author as recommending to miniſters a "low familiarity," and "an unbounded familiarity "with the meaneſt perſon in his pariſh, and live with him upon "the ſame terms as with his boſom-friend." Inſtead of that the recommendation is every way limited. It is, *in ſome meaſure* only he is directed to be the companion; and for what ends, and to what particulars this familiarity is to be extended, he expreſsly mentions.—The ſentence ſtands thus: "the companion of his "pariſhioners, who are entitled to reſort to him, to have their "difficulties removed, and their doubts cleared up, in matters "of religion, upon all occaſions" And is not this the duty of every miniſter to his people, the leaſt or meaneſt of them? And can this be done without eaſineſs of acceſs, and, "on ſuch

mine to the choice of the miniſtry, we are told *, with a particular application to this office, that "a deſire of "diſtinction, or gain, or being uſeful to the public, "are the motives," &c.—A deſire of diſtinction! Is not this the very ſpirit ſo ſeverely reproved by our Lord in the Phariſaic character, as diametrically oppoſite to true faith in him? *How can you believe*, ſays he, *who receive honour one from another, and not that which cometh from God only*, in their *loving the praiſe of men more than the praiſe of God?* Is not this deſire of diſtinction, whether in fame or power, what our Lord warns his own diſciples ſo often and ardently againſt, in their unſeemly ſtrifes, which of them ſhould be greateſt, by aſſuring them, that they who in his kingdom would be greateſt, muſt be leaſt, and the ſervant of all? Full of the lowly ſpirit of his Maſter, did the apoſtle Paul ſeek diſtinction among men, but in labour and in ſufferings?

"occaſions," without "in ſome meaſure the gentleneſs and "openneſs of a friend and companion?" Do theſe expreſſions of the layman carry the point of condeſcenſion and familiarity further than inſpiration doth? *I ſay, through the grace of God given to me, to every man, not to think of himſelf more highly than he ought to think, but to think ſoberly, according as God hath dealt to every man the meaſure of faith. — We are one body in Chriſt, and every one members one of another. — Mind not high things, but condeſcend to men of low eſtate. — Honour all men. Love the brotherhood — Weep with them that weep, and rejoice with them that rejoice. — But we were gentle among you, even as a nurſe cheriſheth her children — So being affectionately deſirous of you, we were willing to have imparted unto you, not the goſpel of God only, but our own ſoul alſo, becauſe you were dear unto us. — As you know how we exhorted, and comforted, and charged every one of you, as a father does his children, that you would walk worthy of God, who hath called you to his kingdom and glory.* I have purpoſely laid theſe paſſages (from among many other ſimilar ones in ſcripture) together, at once to ſhew, that this ſingle expreſſion of the layman, in the fair ſenſe which, by the connection, he means it in, is vaſtly ſurpaſſed by them; and to teach this author to conſult his Bible again before he cenſures others, in matters belonging to its contents, that he may not expoſe himſelf, by ſhewing a ſpirit quite oppoſite to it. As to low or indecent familiarity in clergymen, with men of whatever rank, (for it may be with the high in ſtation as much as with the low), it muſt ever render them uſeleſs, hurtful, or contemptible. I dare ſay the layman no more meant to recommend it, than an affectation of ſtateline ſs and diſtinction, which in itſelf is equally criminal, and equally and univerſally places them in a hated and deſpicable light, as the other.

* Obſ. p. 13. This, as a high motive to the miniſtry, is often urged in the Obſervations with much emphaſis. See p. 11. 13. 15.

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Do I ſeek to pleaſe men? ſaith he; *for if I pleaſed men, I ſhould not be the ſervant of Chriſt*, &c.——And as to "the deſire of gain," another of this author's motives to the miniſtry, if any one evil is abhorrent to the goſpel more than another, this is declared to be ſo, conſidered as a reaſon for undertaking the miniſtry.—*Feed the flock of God*, ſays the divinely-inſpired Peter, *as much as in you is; taking the overſight thereof, not for* FILTHY LUCRE, *but of a ready mind; neither being lords over God's heritage.* Self-denial to all ſuch carnal conſiderations is eſſentially neceſſary, according to the ſcripture, and the example of Chriſt and his apoſtles, in a true miniſter of the goſpel, in order to his faithful and ſucceſsful diſcharging the duties of his office, in recommending immortality to men. One indeed is at a loſs which moſt to be ſurpriſed at, the folly or preſumption of him who would pretend, with his Bible before him, to ſpeak on ſuch ſubjects to Chriſtians, and ſay, "that if "any ſyſtem of government ſhould be eſtabliſhed, "which would render preferment the reward of inferior talents,——every young man of real abilities "would abandon a profeſſion ſo *ungainful, contemptible, and uſeleſs*, and betake himſelf to one more liberal and inviting *." So that, with him, no man of parts will undertake the miniſtry of Chriſt, without a proſpect of gain and honourable diſtinction in the world, and ſuch can have no view of promotion in a Chriſtian church except by patronage. In this laſt conjecture, he certainly is in the right, upon his motives for the miniſtry; as one may well hazard the affirming, that were ſuch known to be the reaſons that determined a candidate to embrace the miniſterial office, Chriſtians would never, for many juſt reaſons, make ſuch an one the object of their choice for a miniſter to them, be his other qualities what they would. One can hardly venture to gueſs who this author is. But there is no riſk in ſaying, he little underſtands the ſpirit of the New Teſtament, which abhors all ſuch inducements to the miniſtry; nor the principles of the chuch of Scotland upon this article, which (indeed with all other reformed churches) calls for the moſt ſolemn declarations from all that take orders, that not theſe, but

* p. 13.

but a desire of promoting the divine glory, and the salvation of souls, are the great motives of exciting them to this office. And we may also cease to wonder, that men who so confessedly embrace the ministry upon principles so opposite to the whole spirit of Christianity, should be so fond of the aid of patronage to help them to their beloved preferment in it. But whatever opinion these gentlemen may have of their own accomplishments, it were well for the church of God, they did betake themselves to these more liberal and inviting professions, which their love of distinction and gain points out to them.

From a beginning so fatal in the description of men well qualified for the ministry, with respect to the principles that influence them to this office, we can entertain little hope of finding a very evangelical character to succeed; and I am sorry to say, it so appears to me. In contrasting his people of merit with others he chuses to despise, who he supposes are the favourites of the people, he ranks * "the knowledge of theology, "with a loud voice, a retentive memory, and an affec- "tation of enthusiastical and mystical expressions;" and further says, "Many of the clergy contribute their "mite in fomenting this evil (schism), by insisting "constantly on the more sublime mysteries of religion; "and thereby leading the people to believe, that all "preaching which relates to the duties of piety and "virtue is a corruption of the gospel †." A coadjutor of his also, in a letter addressed to the layman, as the author of a pamphlet on patronage, charges "ministers "and preachers with preaching always in the Antino- "mian strain, or one nearly approaching it." What can one, judging candidly, make of all this? Taking these as general propositions and true in fact, there would be ground of censure. But when considered in the application intended, as a real description of ministers or preachers at present actually among us, as if *many* of them did insist constantly on the more sublime mysteries of religion, to the discouragement of the duties of piety and virtue, and in an Antinomian strain, it can only be concluded, that, with these authors,

* p. 14. † p. 23.

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they who ſtill among us preach the true Calviniſtical doctrines, and ſhun not to declare freely and fully the peculiar and diſtinguiſhing truths of Chriſtianity, as the counſel of God to ſalvation, are the perſons here ſo deeply reflected upon *; and that the intention is, to eſtabliſh the idea of merit in a clergyman, in a neglect of ſuch doctrine, and avoiding it in public inſtruction, while human literature is recommended as moſt adorning, and beſt calculated to procure diſtinction, and (*Obſ. p.* 14.) the way to hope for encouragement ſomewhat proportioned to his merit; or even to be uſeful in combating the irregular paſſions of thoſe under his care.

Such are the great and leading ideas, both in reſpect to what this author would diſcourage and have avoided, or would applaud as meritorious in clergymen. They are very different from what, as we conceive, the author of our religion hath given, as capital and eſſential to his ſervants in the goſpel. With him the foundations are laid deep, in all who would undertake this office, in the knowledge of the myſtery of God even the Father, and of Chriſt, in the ſalvation of men, preferring the experience of it upon their hearts, to the moſt ſplendid, or even ſupernatural gifts. *Rejoice not*, ſaith he to his diſciples, *that the ſpirits are ſubject to you; but rather that your names are written in the book of life.* Inſtead of being ambitious of honourable diſtinction among men, in power, or fame, or earthly advantage, his language is, *If any man will come after me, let him de-*

* The author hopes to be excuſed for the above obſervation, as he is otherwiſe at a loſs for a meaning to theſe and other ſimilar expreſſions in theſe writers; for he cannot learn there are otherwiſe any, he is ſure, there are not many, to whom they can at all apply: and he is ſo impreſſed with the importance of the difference between the ſeveral parties in the church at preſent, in this capital article of the doctrine that ought to be chiefly inſiſted upon by miniſters in their ſermons; and believes it is ſo truly at the bottom of many of our other differences, that inſtead of entering more minutely into the argument himſelf, prefers republiſhing the treatiſe of Dr Doddridge adjected to this eſſay, which was occaſioned by a controverſy among the Diſſenters in England, with regard to the propereſt ſubjects to be inſiſted upon to their congregations, and the manner of treating them. If his opponents agree to the Doctor's ideas, they will be ſo good as own it, which will give much ſatisfaction; if not, they may reply to his arguments, when they pleaſe, and as they may.

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ny himſelf, and take up his croſs, and follow me. And they who have hearkened to him ſo ſpeaking to them, in the view of every ſelf-denial in his ſervice, are diſpoſed to ſay, *None of theſe things move me; neither count I my life dear to myſelf, ſo that I might finiſh my courſe with joy, and the miniſtry which I have received of the Lord Jeſus, to teſtify the goſpel of the grace of God.* Far however from neglecting to inculcate morals, to every other conſideration they add the higheſt and moſt effectual motives, that peculiarly ariſe from the knowledge of Chriſt, to enforce them: That they may not be *barren or unfruitful*, but *adorn the doctrine of God their Saviour*, by abounding in ſpirituality and holineſs; according to that *grace, which teacheth* Chriſtians *to deny all ungodlineſs and worldly luſts, and to live ſoberly, righteouſly, and godly in this preſent world; looking for the bleſſed hope, and the glorious appearing of the great God, and our Saviour Jeſus Chriſt.* Far alſo from deſpiſing true literature, they reſpect it greatly, and, almoſt in the words of this author himſelf, admit, that it is of great importance in the character of a clergyman, tho' they do not place it in a rank ſo high, as to make it in an eminent degree eſſential to uſefulneſs, as he doth; far leſs overvalue it, to the neglect and diſparagement of what is more eſſentially neceſſary, "acquaintance "with the holy ſcriptures, and the impreſſion of reli- "gion on the ſoul *."

So that, upon the whole, it is to be doubted if this author, with his friends, and others, are perfectly at one in their ideas of well-qualified miniſters; though in general it is agreed, that that mode of ſettlement ſhould be preferred, that bids faireſt to fill the church with ſuch.

If indeed, as he clearly intimates, polite literature is to be placed in the firſt rank of accompliſhments for the ſacred office, and theological knowledge, and a ſerious concern to promote the ſalvation of men, by the pure preaching of the everlaſting goſpel, only in a ſubordinate room, he judges it very well to prefer patronage to every other ſcheme of ſettling miniſters

The friends of the act 1690, or of other free methods

* See overtures for trials in the acts of aſſembly 1767, art. 7.

of

of ſettlements, ſet no greater value upon men of mean, contemptible, and unworthy notions and conduct, ſuch as would be "patrons of folly and ſuperſtition," than this author; but cannot admit his contraſt to be juſt, that all that are not inſpired with the ambition of diſtinction by literary fame, &c. muſt be of that claſs; and contend, that thoſe who embrace the miniſtry on its proper motives, and at all hazards, may be equally learned, incomparably better qualified for real uſefulneſs, and will command more reſpect, than his fine gentlemen in that office.

Let it then be inquired into, upon which plan the church is moſt likely to be filled with able miniſters.

In making the choice, great ſtreſs is laid * upon the proper judges of merit. But who are theſe? "the "preſent, or thoſe who are propoſed to be the future "patrons? Have men of rank and education no ad-"vantages" (ſays he) "over the vulgar in forming a "judgment of the real qualifications of mankind †?" In the firſt place, the old fallacy is here continued, as if the real intention of any oppoſers of patronage, was to make the vulgar the electors. This hath formerly been diſcuſſed. In this view theſe queſtions are nothing to the purpoſe. But if it is really meant, that men of rank and education ſhould be the judges, let this author be queried in his turn, Why does he not prefer the act 1690 to patronage? A patron is but one; and moſt certainly, as they are with us, not one of ten of them have the leaſt intereſt in the pariſhes to which they preſent, and little opportunity of perſonal acquaintance with candidates, to enable them to form a judgment upon their merits ‡. Whereas, by the act 1690,

* Obſ. p. 11. † ib.

‡ It hath been aſcertained in general, how many patronages are in Scotland, and in whoſe hands theſe are, whether with the crown, noblemen, gentlemen, &c. See Thoughts of a layman, p. 35. But it were not from the purpoſe to make another calculation, how many or how few preſentations are in the gift of thoſe who have either reſidence or intereſt in the ſeveral pariſhes to which they preſent, or attend worſhip in this church, or who otherwiſe have acceſs to be acquainted with the qualifications of thoſe they preſent. No anſwer in a matter of ſo much moment to the comfort and ſalvation of thouſands, to the objection obviouſly

1690, many men of rank and education, and immediately intereſted in the choice, are concerned in the election of miniſters; and it cannot be aſſerted, that where the body of theſe good judges have united, there has been any deciſion given againſt them, by all the negatives that others by that act have in ſettlements. So that if he is for patrons, upon the foot of their ſuperior judgments, *à fortiori* he ought to be more for the act 1690; as it is ſo far from excluding, that it entitles a number, who have as many advantages to form a true judgment of the real qualifications of mankind, as ſingle patrons have, and have much more intereſt in the election to rouſe them to exert their powers in order to make the beſt choice. It is urged, "that the commons "have ſome ſhare according to this ſtatute;" and why cut them altogether off? It is a Chriſtian miniſter that is to be elected; and as Chriſtians, though of but indifferent parts otherwiſe, yet in that view they may be allowed ſome diſcernment. Beſides, the teſtimony of a friend may be taken here, who obſerves *, that "among the country-farmers at this day, there are "numbers to be found ſenſible, judicious, and know-"ing." And ſuch generally are the elders in pariſhes, or at leaſt have the greateſt influence in leading the judgment of the ranks below them. So that, in point of filling the church with able men, not patronage, but, by the argument uſed for it, the act 1690 is the eligible plan.

viouſly ariſing from this againſt patronage, as the claſs of patrons would be found very ſmall, who have theſe advantages to preſent properly, can be more frivolous or unſatisfying than we have in Obſ. p. 12. that patrons "cannot at "any rate preſent a perſon whom the church has not found "qualified, and that in theſe caſes they generally rely on the "recommendation of ſome perſon of character."—The firſt part of this anſwer will by and by fall to be conſidered. As to the laſt, it is aſked, What is meant here by *a perſon of character*? Is it character for true judgment in learning, religion, and miniſterial qualifications, the true footing on which the recommendation of miniſters ſhould go, and for excelling or ſufficiency in which they ought chiefly to be recommended? Or is by *perſons of character* meant men of mere rank, of whatever talents, principles, or diſpoſition, uſing their influence with patrons, from *any* ſort, and not always laudable motives? Then is the anſwer perfectly illuſory.

* Letter to the author of a pamphlet on patronage, p. 7.

We

We have much declamation too * upon the influence on the characters of clergymen, as ſettled in virtue of preſentations, or by the favour of the people, giving the preference to the former, as if the people expect and demand, on ſome occaſions, a compliance with their humours, "which daily corrupts and de-"praves the mind," while ſuch ſacrifices are generally neither expected nor encouraged by patrons. If one was to judge of this author's intention in his exaggerated and looſe harangue upon this point, it would be, that he means to inſinuate, that a miniſter cannot be well with or beloved by his people, unleſs he gives up all independence of ſentiment to them. This is moſt charitably believing, that no miniſter reſpected by his people, hath any fixed principle of conduct, and is ready meanly to give up all to their humours. But the fact is quite otherwiſe. The moſt acceptable miniſters any where are thoſe of eſtabliſhed integrity, men of unfeigned piety, and conſtant labour in paſtoral care, who are known to act upon their own perſuaſion in all public matters, and are incapable of bias, either by a regard to the favour or diſpleaſure of any. On the other hand, what do not patrons, or the friends who have procured a preſentation, expect from their preſentees? or what reſentment is to be looked for, and what charge of ingratitude upon non-compliance with any of their habitual ſolicitations in every caſe they are aſked, or would wiſh, to influence? Let experience decide who are moſt independent. What, for example, is to be gained by oppoſition to preſent meaſures? Let a miniſter be otherwiſe never ſo unexceptionable, if not obſequious, can he be promoted by any favour from thoſe that have power in theſe matters? Is it not well known, that, for a long time, all advantages have been appropriated to the friends of patronage; and is there, in this, no tendency to "corrupt and deprave the mind, "already too much debaſed by former views?" If it is ſaid, that by yielding to the people we gain them; this, by the ſuppoſition, is already ours, and by ſilence at leaſt could never be endangered. Whereas, by openly oppoſing the preſent prevailing meaſures, an ef-

* Obſ. p. 15. 16.

fectual

ſectual bar is put to all favour from the great, and contempt, ridicule, reproach, or hatred, muſt be the certain lot. Upon the principle, therefore, that this author hath every where ſo ſtrongly aſſerted, "that rank, "diſtinction, and advantage," are ſuch great objects to all men of ſpirit in the miniſtry, he muſt yield, that the balance for corrupting the mind, after ſettlement, as things now go, is certainly on the ſide of patronage *.

But

* I could not refrain here from tranſcribing a paſſage, reſpecting the effects of different conſtitutions of church-government, of old obſerved upon our churchmen, as tranſmitted to us in Petrie's Church-hiſtory, cent. 16. p. 536. taken by him from the Hiſtorical Narration.

From Dr Robertſon's and all other hiſtories of that period, we learn the great aſcendant King James got over the church in 1597; and the effects of that upon the clergy were ſo remarkable, as to be thus ſtated in the above treatiſe.

1. Before, the ſpiritual office-bearers appointed time and place of meeting: after, they were appointed where and when it pleaſed the King. 2. They were before directed by the word of God; after, by the King's letters. 3. Before, matters were propounded in ſimplicity of heart, and brethren were directed to ſeek light out of the word of God, by conference, meditation, prayer; after, courſes were plotted in the King's cabinet, and all means were uſed for execution accordingly, and impediments removed; every man is obſerved, and either commended or cenſured, as, This man is the King's man, an honeſt man, a diſcreet man, a peaceable man, he goeth his way; That man is ſeditious, brainſick, factious, he reaſoneth in the contrary. 4. Before, matters were reaſoned at length, pleaſantly, without controlment, and the whole number acquieſced to reaſon; now, if a man that ſtands for the truth inſiſt, and cannot be ſhifted with a frivolous *diſtinguo*, the King, if he be preſent, falleth upon him, bears him down, and puts him to ſilence. 5. Before, the common aim was at God's glory, and the good of the church; the preſence of ſuch as were learned, holy, zealous, and powerful preachers, procured good order and reverence to the aſſembly: now, the prince's preſence is only regarded, an honeſt man is taunted either by geſture or ſpeech. 6. Men of beſt gifts (before) were employed: now, plots are laid down how none ſhall have place, but ſuch as will ſerve to the purpoſe. 7. Before, matters were put to voting freely and indifferently: now, nothing is ſuffered to be agitate in public, but that which the King's men are ſure to carry by plurality of voices; and to this the catalogue of commiſſioners names muſt be viewed, that they may know who will vote with them, and who againſt them; and when the roll is called, the wonted order is not obſerved, but, as at this laſt aſſembly, ſuch are called as favour the courſe. 8. In a word, the advancement of Chriſt's kingdom was ſought before; now, the chief care is to frame, and conform the policy of the church to the eſtate of a free monarch, and to advance his ſupreme and abſolute power in all cauſes.

The

But what candid judge hath not determined, that the filling the church with well-qualified men is not better ſecured by many electors, than by one patron?

In 1735, when this queſtion was agitated with great heat, a pamphlet, entitled, *A letter to a Scots clergyman*, was publiſhed, by one known at that time to be in the lead of our church-affairs, and who declares himſelf far enough from an inclination to popular calls. Let us hear him upon the queſtion, Whether the power of nominating to churches is apteſt to produce the beſt qualified clergymen, when in the hands of one, or of many? He ſays *, "that as the right of electing in "this and the other caſe, is a certain power in truſt "for the good of the community, the leſs power is "committed to one man, and the more equally power "is diſtributed, in general the liberties of mankind are "ſafer." He afterwards gives his reaſons for this opinion: "That ſound policy will, and experience hath "ever juſtified the obſervation, That where there are "a number of voters, though there may be factious "and intereſted views in ſome, other parts of the body "will be found to balance them; ſo that there is the "beſt chance, there will be a conſiderable number to "ſtand up for men of the beſt character and worth.— "And this is the chief thing to be conſidered in the va-"rious methods propoſed for ſettling of miniſters, by "which of them there is the greateſt likelihood to get "the beſt paſtors elected."

When the power, on the other hand, is in one, and after the corruption of Chriſtianity, and the degeneracy of its clergy †, it came to this, that no regulations nor oaths (and many were contrived) could preſerve the truſt from being abuſed; the ſole conſideration and queſtion then is, Whoſe ſolicitation is firſt, or hath moſt weight? not, What candidate is moſt acceptable

The whole is a natural deſcription of the ſpirit of party, and the conſequence of its practices. Wherein it is ſimilar to our own ſituation, or otherwiſe, all may judge. Human nature will generally act in the ſame manner in like circumſtances. It is the few only, in times of degeneracy, that have the courage to ſay No to diſtinction and gain. Moſt will ſwim with the tide to both.

* Letter to a Scots clergyman, p. 6.

† See Burnet's additional chap. to Paſtoral Care.

or moſt deſerving? Under ſuch a conſtitution, many young people, in caſting about for a proviſion for life, are thereby, in hopes of a patron's favour, diſpoſed to think of the miniſtry, who from principle never would have dreamed of it. They deſire the prieſts office for a piece of bread: A conduct, however little it may be cenſured by men, yet hath many a wo pronounced againſt it, by the Judge of all the earth. Let us hear Biſhop Burnet on this ſubject *: "A preſentation is "ſuppoſed to be procured. Here then," ſays he, "is an eſtate to be conveyed to a perſon, if he can "but get through thoſe ſlight examinations, upon "which orders are given; and has negative virtues, "that is, free from ſcandalous ſins," [the very plan our author and his friends would have eſtabliſhed, as the ſole requiſite to preſentees in point of character], "though he has no good qualities, nor any fixed inten-"tion of living ſuitably to his profeſſion, or following "the ſtudies proper for it, and of dedicating him-"ſelf to the work of the miniſtry. On the contrary, "perhaps he diſcovers a great deal of pride, paſſion, "covetouſneſs, and an ungoverned love of pleaſure; "and is ſo far from having any ſerious application of "mind to the ſacred functions, that he has rooted in "him an averſion to them. The ill effects of this [*i. e.* "under Engliſh patronage] are but too viſible." This made "the ember-weeks the burden of his life, and "tore his heart." Ordination weeks, "he elſewhere ſays, † "were always dreadful things to me; and it is "too well known how eaſy the clergy are in ſigning "teſtimonials."

All theſe evils flow from one ſource, *viz.* the power of diſpoſing of benefices being put into *one* hand. Intereſt, under ſuch a conſtitution, is all and all. *One* having the ſole power invites addreſſes; and the pleaſure of diſpoſal according to his *own* will, naturally makes them not unwelcome. Some among a competent number of electors, would ſeek out and find modeſt merit, men who are aſhamed, who dare not practiſe the little arts, artifices, and mean, yet ceaſeleſs importunities by which the favour of *one* is not ſeldom

* Addit. chap. to Paſtoral Care. † Concluſion of his hiſtory.

extorted.

extorted. The danger arising from the less deserving candidates, from this one consideration alone, (and alas that daily experience should too well justify the observation), is more than sufficient to overturn all our author hath said, upon the superiority of patrons to judge of, and promote the best qualified men for the ministry. On this account the best disposed are not a little discouraged in thinking of this office; the less scrupulous concerning the means of obtaining it, push forward.

Zealous however to establish this favourite scheme of patronage, and of maintaining this capital argument in its favour, that thereby the church will be filled with the best qualified ministers; to all the author of the Observations had advanced in support of this, from the superior advan ages that patrons have above others, as judges of merit, and the greater freedom from bad influence after settlement, which ministers introduced to their charges in virtue of presentations are possessed of, than when that happens by the favour of their congregations; he next enforces his argument by a very sanguine account of the factions occasioned by that variety of candidates, which may happen upon a freer method of election. "The experience," saith he *, "of some parishes in the neighbourhood of the capital tells us indeed, that, in this last case, the most "violent convulsions may be expected to arise among "the parishioners; which, besides the enormous vices "with which they would be immediately accompanied, would leave behind them the seeds of the most "bitter animosities, to be transmitted often as a pernicious legacy even to posterity itself."

Not to repeat nor insist upon the general answer to all such objections, that they strike equally against all freedom of constitution whatsoever, and, if solid, conclude to the putting an end to liberty, and establishing despotism through the whole world; let it be observed, that it is not true, that the event set forth hath happened in *some parishes* in the neighbourhood of the capital, but in *one* only. And candour should have taught this author to have admitted, that in the very

* Observations, &c. p. 17.

place alluded to, as well as in the Leiths, where the election is free, ſeveral other ſettlements have been made of late, where the peace hath not been diſturbed, but perfect unanimity and joy, to all concerned, prevailed.

This ſingle inſtance, however, in oppoſition to thouſands of ſettlements made comfortably, in other ſocieties and in all ages, even by popular calls, and, under the exiſtence of the act 1690, in our own church, never fails to be tragically repreſented, in odium of free elections of all kinds, in all the publications by the friends of patronage ſince it happened *. It may be worth while, therefore, to attend to it more minutely, and to obſerve to what it concludes. The caſe was this.

A vacancy happening in the Canongate about eighteen years ago, ſome gentlemen in the army, remembering the kindneſs of a certain clergyman in their diſtreſs during the late rebellion, ſhewed their gratitude, by procuring, without his knowledge, a crown-preſentation for him to that place. He had reaſons to determine him to decline the favour. By this means, the ſix months expiring, a *jus devolutum* took place. A miniſter in the neighbourhood, well qualified, and acceptable to many, was propoſed to ſupply the vacancy. From whatever motives, laudable or not, we ſhall not now inquire, an oppoſition "to him" was raiſed, and much cheriſhed by ſome particular perſons. In thinking of one proper to balance the character and intereſt of the firſt candidate, beſides the conſideration of an antagoniſt's having connections in the place, another preliminary was found eſſentially neceſſary in order to a ſucceſsful oppoſition, namely, that he too ſhould be of eſtabliſhed character, and in qualifications for the charge, able and ſufficient; otherwiſe, with ſuch a multitude of electors, it was diſcerned at once, the attempt muſt be fruitleſs. Many were named, and a proper one, as above, was at laſt fixed on. The ſtruggle was hard; and it is admitted, that all the diſagreeable and unſeemly things, imputed as evils to free and popular elections, appeared in that eager can-

* See Faction detected, Patronages demoliſhed, and others.

vaſs

vaſs. After all, the firſt-named gentleman prevailed at that time.

Now upon this very caſe, of which the friends of patronage ſo much avail themſelves, in favour of their own plan, and againſt free elections, let the merits of the different modes of ſettlement be tried, and applied to the argument now before us, which of them bids faireſt to fill the church with able miniſters. In this they have the inſtance of their own chuſing, and of it they boaſt beyond meaſure and without end. To be ſure, it comes nearly to a popular election, as the Canongate not being a royal borough, nor a landward pariſh, (in both which the act 1690 circumſcribes the electors to a ſmall number), but a village, where the leaſt proprietor of a houſe, or any part of one, claimed a vote. Such a caſe might not happen in half a century again, ſo unfortunately to the argument for the act 1690, and favourable to the objection on the ſcore of tumults, and other direful conſequences charged upon that, or indeed any other free plan.

Yet let the different ſpirit and effect of the oppoſite conſtitutions of patronage and free elections in view of promoting well-qualified men, be judged of from the whole even of this ſtory, and the contraſt will, we imagine, appear ſtrong.

On the one hand, a preſentation is procured, and for a more generous reaſon, than they are often applied for or beſtowed, as a grateful return for good offices in a dangerous and critical conjuncture. — By its taking place, much party-rage, and the ſubordinate vices of faction, had been prevented. On the other hand, it is to be obſerved, that the preſentation might have been got, and for the ſame reaſons this was, in favour of the weakeſt and moſt improper man in the church, to have ſupplied that important vacancy; the reaſons for fixing on the actual preſentee having no ſort of connection with parts, literature, or other diſtinguiſhed miniſterial accompliſhments; but merely from a conduct, which the leaſt qualified or deſerving man in the church may be preſumed ready and willing to have held towards the King's officers at the period when the kindneſs was ſhewn them. However, the miniſter proving

to be a man of ſenſe, and maturely weighing all circumſtances, judged it improper, at his time of life, and from the country where he had long been ſettled (about Inverneſs), to remove. Had he been a weaker or a worſe man, it is not likely he had been ſo ſcrupulous, but had eagerly graſped at the promotion, however it might have fared with the congregation, or his own future comfort in it.

On the other had, when the election came to the ſuffrage of many, it was found, that neither particular obligations, nor even connections, "taken alone," had influence to bring about a preference. What more was neceſſary? Why, even the friends of patronage themſelves being judges, the very beſt thing poſſible, "a character univerſally good and eſtabliſhed." This chiefly could move the intereſted and independent; as it is juſtly obſerved by a forecited author *, "That "men of the faireſt characters are, generally ſpeaking, "moſt popular, in ſuch aſſemblies as are moſt numerous;—and perhaps the greateſt number of elections "of all kinds that have ever happened in the world, "will confirm this ſcheme."

From hence is ſeen how this capital point, "the "procuring men of worth to be preferred," is beſt ſecured, not by the patronage of one, but by the more liberal method of election by many.

To complete the argument ariſing from this affair for the promoting of merit by free elections, it is proper to add, that it appeared from the conſequences, that real goodneſs of character does not ſuffer even by competition. For though the miniſter firſt on the field, in that conteſted election, did prevail in it; yet, upon a ſecond vacancy ſoon after, the weight of the antagoniſt's character produced an unanimous election in *his* favour alſo; and in place of the contention's leaving behind it the ſeeds of bitter animoſity, *&c.* the congregation was in peace; and both miniſters lived and laboured afterwards with great acceptance to all, and comfort together.

Let all judge then, if we would ſecure an able and well-qualified miniſtry, which of the two to chuſe as

* Letter to a Scots clergyman, 1735.

a plan

a plan of election, patronage, or, as far as we can protect and cheriſh it, a freer mode of election.

Before taking leave of this great hinge of the debate, "which method is moſt conducive to fill the church with "well-qualified miniſters?" it is fit to give particular attention to another topic much inſiſted upon by the friends of patronage, and connected with the ability of candidates, *viz.* That none are or can be preſented, but ſuch as are licenſed by preſbyteries themſelves, and ſo it becomes more their fault, than that of patrons, if any not able or qualified are, in virtue of preſentations, introduced into churches.

Thus the author of Obſervations *, in anſwer to objections of the layman founded upon their not having perſonal knowledge of their preſentees, and from oſtentatious patrons preſenting improper or diſagreeable men, ſays, "Though they may not preſent the "moſt accompliſhed perſons that can be found, they "can, at any rate, preſent none but ſuch as are qua-"lified according to the laws of church and ſtate." This reply, however, makes rather a poor figure in the mouth of ſo high an advocate for merit, and patronage as the beſt indeed, infinitely the beſt method to promote it; when we find him elſewhere ſaying †, "Tho' "no perſon can enjoy an eccleſiaſtical benefice, unleſs "he is found qualified by the preſbytery, we ought "at the ſame time to diſtinguiſh between thoſe quali-"ties that are barely ſufficient to enable one to go "through his trials, and thoſe which may render him "an ornament to his profeſſion, and of diſtinguiſhed uti-"lity to his people and the church. The one may be "ſuppoſed, on ſome occaſions, to be very moderate; "the other may be ſuppoſed to riſe to as high a degree "of perfection as the human character is capable of "attaining." And as he admits ‡, that "ſome pa-"trons may for miniſter views fix their choice on thoſe "of very moderate qualities, barely ſufficient for trials," and "ſuch as have little to recommend them," (and this, alas! is far oftener the caſe than he is willing to allow), one ſhould think from this topic the advance-

* Obſ. p. 12. & 21. † Id. p. 11. ‡ Id. p. 15.

ment

ment of men of merit is very precarious, and, in his zeal for it, might cauſe his reſolution for patronage to ſtagger.

But however that may be with our author, as this argument is almoſt in every mouth that favours patronage, let its force be more carefully attended to.

It is ſuppoſed here, that perſons but indifferently qualified are ſometimes licenſed and ordained by preſbyteries; and who can doubt of it? In the courſe of human affairs, it cannot be expected to be otherwiſe. Let regulations as to trials, and ſufficiency for profeſſions or places, be formed originally with never ſo much ſtrictneſs and anxiety in any ſociety, in proceſs of time, the practice, in relation to them, will relax, and become ſuperficial. Are all gentlemen, for inſtance, who have got through the uſual trials in law or phyſic, reputed truly learned in theſe ſeveral profeſſions? And if, by any ſtrange viciſſitude in the government of our country, it ſhould become part of the conſtitution, that a right ſhould be veſted in particular perſons and their heirs, to preſent lawyers or phyſicians to cities or diſtricts, would it eaſily and at once ſatisfy, to ſay for the preſentee, that, along with his preſentation, he brought in his hand a diploma? Would not the concerned rather make light of ſuch ground of ſatisfaction, by obſerving, how cheap, in itſelf, they muſt hold what could ſo eaſily be obtained, from any, of a hundred ſocieties, not in the leaſt intereſted in them, who were intruſted with the power of beſtowing it? Would they not be entitled to complain of the unreaſonable, injurious conſtitution? and, inſtead of tame ſubmiſſion, remonſtrate, and make every lawful effort, to get rid of the impoſition; and in the mean time, inſtead of burying complaints, and foregoing any remaining checks upon ſo miſerable a conſtitution, would not the leaſt negative or control indulged them be cheriſhed, and exerted on all proper occaſions, in order to balance the patron's power, and thereby ſet aſide any doubtful or diſagreeable character preſented to them, as the guardians of their property or health, under the bare diploma! And are the concerns of immortality only of ſo little moment, that the guides to it ſhould without heſitation be received, becauſe they can

produce

produce a licence, which ſuch a number of preſbyteries upon very ſlight trials can, and do every day beſtow? This is the rather to be attended to, becauſe if the ſufficiency of candidates, in any liberal profeſſion upon earth, is to be looked on with jealouſy, notwithſtanding of their licences, it is that of our preachers. They generally paſs trials before thoſe preſbyteries, where they have moſt perſonal connections. Intereſt therefore in ſome, hopes of future improvement or better behaviour in others, averſion to do a harſh thing, are motives which do, and will too often prevail to favour, or at leaſt not to oppoſe, even when defects are but too viſible, and too conſiderable. Is not this too ſlight a foundation to build an affair of ſo much importance upon? or from trials ſo conducted, indiſcriminately to infer, "that becauſe a young man hath obtained a licence from *any* of all the preſbyteries in Scotland, or is ordained in any diſſenting congregation in England, therefore he may be ſettled in any, even the moſt important charge in the whole church, at the will of a patron?" and that it is a ſufficient reply to any reflections on the weakneſs, or the unſuitableneſs of the preſentee, that ſome preſbytery (however partially) hath given him a licence? If this indeed (which it is not, though too many preſs to have it ſo) were our conſtitution, undoubtedly it were a very imperfect and abſurd one.

At the ſame time it cannot eſcape obſervation, that if the reaſoning is good, "that becauſe a preſentee is licenſed, therefore no patron can be blamed for preſenting, nor can any juſt complaint lie againſt his admiſſion;" then the argument may be fairly turned another way. For if this poſition is true, why all the noiſe againſt more liberal methods of election, even though ſtrictly popular? The candidates, on all plans, muſt be licenſed. No wrong choice can be made; or it is the fault of the preſbyteries, if there is. And why then, on this foot, is there ſo much clamour and obſtinacy againſt gratifying congregations with miniſters that are agreeable to them? If they can make no wrong choice more than patrons, becauſe all are qualified that are licenſed; is it not at once abſurd and

cruel to diſtreſs and unhinge, not pariſhes only, but whole countries, and throw the nation looſe from an eſtabliſhed miniſtry, by an ill-judged favour to particular men; when others, and however choſen, (by this argument perpetually thrown out), might anſwer the ends equally well? Does the ſcale of reaſon between patronage and a freer method of election ſtand even here? Or is not that which, in this point of view, is made to preponderate in favour of patronage, extremely light and impolitical, when thereby univerſal uſefulneſs and peace are outweighed? In this light, the ſtretches made for preſentations can never be traced to a human, far leſs to a Chriſtian ſource. The policy is abſurd, and the acts of power indefenſible.

It is from perſons of rank, however, that we generally hear this topic moſt inſiſted upon. But it may be inquired, if they are in earneſt, when thus arguing upon the abilities of preſentees? Why is there ſo much evidence of the contempt theſe very gentlemen pour upon many miniſters, as weak and inſignificant? Why, being perſuaded of their abilities, do they aſſign as the cauſe for their, almoſt habitual, non-attendance upon public worſhip itſelf, that the entertainment is ſo poor? Should not men be conſiſtent in their reaſonings, and their conduct? Surely, it is far from being ſo, at one time to argue for ſettlements, becauſe the candidates are well qualified; — and by and by, when ſettled, to ſlight them, and divine worſhip too, becauſe of their inſufficiency.

After all, this apology for preſentations, on account of the ability of preſentees, becauſe licenſed or ordained by the church, is, in its concluſion, the worſt that can be uſed. If preſentees, it is ſaid, are not ſufficient and able, it is not the patrons fault, but the clergy themſelves that are to blame, and they ought to be laſt in the complaint. But, perhaps, the clergymen apteſt to complain are not moſt in the fault; at leaſt, had ſome of them ſufficient influence, characters would be more accurately inquired into, and trials more ſtrictly gone about, than they generally are, both as to literature, knowledge of, and ſoundneſs in the faith; and as to another point too, more attention would be given, concerning

cerning which (however almoſt univerſally neglected) the rules of the church are clear and preciſe, namely, the impreſſion of religion upon the candidate's ſoul, without which, let men talk as they will, no truly good and Chriſtian miniſter can ever be formed.

But be the fault of ſuperficial trials where it may, if the fact is ſo, who is bound to anſwer or ſuffer for the fatal miſconduct of permitting them? It is abſurd, that they ſhould bear the puniſhment, who are not in the fault. And who, in the caſe of improper licences, do actually ſuffer? The church? True. But what church? The clergy are often, as repreſentatives of the church, meant by that expreſſion. But what do they ſuffer by this evil? Nothing, though they are the criminals. Did the puniſhment fall on them, it were well. Not they however, but innocent congregations, over whom the inſufficient and unworthy, under the licences of inattentive and unfaithful preſbyteries, are placed. Inſtead therefore of carelefsly inferring, becauſe men are licenſed, *therefore* they are able, and objections are not competent, the jealouſy of the true church and all its members ſhould be rouſed to hold faſt and exert every remaining privilege, in order to guard againſt candidates improperly licenſed, from being obtruded upon them, through the undiſtinguiſhing power of patronage.

Upon the whole, then, it is ſubmitted to every impartial judge, how this capital inquiry iſſues, whether patronage, or the act 1690, or other free modes of ſettling churches, bid faireſt for ſecuring a ſucceſſion of well-qualified miniſters in the church?

Let the meaſure of qualification be taken from the true ſtandard, ſcripture; let every advantage from true and uſeful erudition be added, to fix the character of ability; let opportunity of knowledge, capacity to judge, the probability of bias and partiality in the choice, future independence, the ſentiments of candid and unexceptionable judges, and experience itſelf in the caſes moſt unfavourable to the ſide of liberty, be all weighed in equal balance, and then let the impartial determine.

CHAP.

CHAP. X.

Of ſimony. — Hardſhip on miniſters required to aſſiſt at ſettlements. — Falſe compaſſion to preſentees.

IT hath ever been objected to patronage, that, from its very conſtitution, ſimony muſt be the effect of it; in every view the moſt unworthy and debaſing thing imaginable to clergymen, and pernicious and deſtructive to the whole deſigns of their office.

To this the author of Obſervations on the overture makes the moſt unſatisfying anſwer imaginable *. He had immediately before ſaid, "That if a law is good in "itſelf, it ſhould not be repealed on account of any "abuſes that may attend the execution of it." But this is juſt the queſtion, "Is the law of patronage good in itſelf?" Let the anſwer be taken from the author himſelf, as (in p. 30.) he admits, that whatever rights men are poſſeſſed of, may be taken from them, if — found hurtful to the public; and (p. 33.) that "poſterity is under no obligation to pay any regard to "inſtitutions of original founders of them, if they are "not valuable in their own nature;" and (p. 50.) "If our forefathers ſhould be found to have eſtabliſhed "any conſtitutions hurtful to ſociety, theſe conſtitutions ought to be repealed with all poſſible diſpatch." If, therefore, it be true, that this inſtitution of patronage, is not only not valuable, but extremely hurtful to the public, then of courſe, according to this author, it ought to be reſiſted and ſet aſide as far and as faſt as poſſible.

And were there no other cauſe, this certain, unfailing, and moſt noxious effect of it, ſimony, is alone deciſive againſt it. Nor will the author's ſlightly alleging, that this objection is "juſt a repetition of the former "argument; Patrons may abuſe their power, and "therefore it is pernicious;" and that "this objection "proceeding upon ſuppoſitions and aſſertions, merits "very little attention, and puts him in mind of ſta-

* Obſ. p. 20.

"ting

" ting a ſimilar objection to every ſpecies of popular e-
" lection; as if the common people were incapable of be-
" ing corrupted in ſuch caſes," take off its force. Very willing indeed are men to be perſuaded, if ſuch arguing can ſatisfy them! He had unfeignedly approved (p. 6.) an obſervation of the layman's, That " no human in-
" ſtitution can be perfect; let it be ever ſo complete in
" theory, in practice it will be attended with inconve-
" niencies; and that which is calculated for the gene-
" ral good, muſt not be rejected merely becauſe it has
" ſome diſadvantages." He was aware of the uſe he would have for this, as an apology for many inconveniencies on his plan. But will he from this ſay, that becauſe there are ſuch in all plans, therefore *any* may be adopted, and not prefer that upon which the feweſt and leaſt conſiderable occur, and reject ſuch as are certainly attended with the moſt ruinous conſequences? Will he apply his reaſonings on this argument to civil government, and ſay, Becauſe, under any, hardſhip may fall at times upon individuals, therefore that is not to be rejected, which neceſſarily will be attended with univerſal oppreſſion? This applies perfectly to the point before us. An inſtance of corruption in an age may happen where the election of miniſters is in the hands of many; but, under patronage, this evil of ſimony, of neceſſity, from the nature of the thing, muſt be frequent and common. A conſideration of ſuch moment againſt it, ought to make it be abhorred by all who have the leaſt regard to virtue, or to the ends for which a public miniſtry is appointed.

Inſtead of this objection's " proceeding upon ſup-
" poſitions and aſſertions" only, it may be averred, that in theory no propoſition can be laid down with greater certainty, than that which is found in the above cited letter to a Scots clergyman in 1735, " That preſenta-
" tions have often been attended with bribery and cor-
" ruption; and it is to be feared, that whenever pre-
" ſentations by a patron ſhall be a certain method of
" obtaining a benefice in Scotland, there will always
" be patrons corrupted enough to take, and preſentees
" or their friends corrupted enough to offer a bribe;
" but, on the other hand, when the election is not by

" one, but many, whoever theſe many are, bribery will " be leſs practicable *." Nor did it require the ſpirit of prophecy, in good men among the ancients, nor in our church in her repreſentations upon this ſubject, from the beginning, to aver, that ſimony muſt be the effect of patronage, from the nature of the conſtitution, and the nature of man. The conſequence is infallible. The temptation is one of thoſe that are too ſtrong to be reſiſted by mankind. For, whether in civil or religious ſociety, the maxim is undoubted, " That what- " ever is lucrative, and in the diſpoſal of *one*, men will " be found both *to ſell, and to purchaſe*."

And accordingly, in fact, this melancholy truth is juſtified with regard to patronages in all ages and places in the world where-ever they have had footing. I have been at pains to look into their hiſtory, and to compare it with the acts of councils in the Chriſtian church with regard to them; and found, that the increaſe of the crime kept exact pace with the progreſs of this power; that in all countries it was the ſame thing: that, in every one of them, this was evident by the numberleſs acts of councils againſt it, the numberleſs devices contrived to prevent, and the ſeverities eſtabliſhed to puniſh, when the evil was committed. But all was found in vain; ſo vain, that at laſt it was avowed, triumphing over all and every kind of reſiſtance; and the ſales became public. Inſtead of multiplying authorities in proof of this, let it ſuffice to mention, that when Pope Paul III. intended to reform ſome abuſes, he appointed ſome cardinals and biſhops to draw up a memorial concerning them. Their paper in anſwer is very curious †. It ſtrongly aſſerts, that " the ſource of " all theſe evils was ſimony;—that as flattering doctors " had taught that the Pope is the maſter of all benefi- " ces, from whence it follows, that the owner having " right to ſell what belongs to him, the Pope cannot " be guilty of ſimony. It complains of this as the " cauſe of the grievous maladies, which have entered, " like another Trojan horſe, into the church of God " to deſtroy it, and have brought it to ſuch a condition, " as we ſee it almoſt paſt hopes of cure; that, in

* p. 6. † See Dupin's large eccl. hiſt. cent. 16.

" preſentations

" preſentations to benefices, more regard was had to " provide for the perſons to whom they were given, " than to the flock of Jeſus Chriſt, and the church." —To the ſame purpoſe ſpeaks Moſheim *: " Simony " reigned with great impudence and licentiouſneſs: the " elections of biſhops and abbots were no longer made " according to the laws of the church; but kings, " princes, or their favourites, either conferred theſe ec- " cleſiaſtical dignities upon their friends and creatures, " or ſold them without ſhame to the higheſt bidder. " Hence it happened, that the moſt flagitious wretches " were frequently advanced to the moſt important ſta- " tions of the church." Every poſſible fair remedy had been applied to cure this evil, but without effect. The diſeaſe was inherent in the conſtitution itſelf, and could not be ſeparated from it. At laſt a neceſſity was found to have recourſe to a cure ſeemingly unjuſt. For by the Canon law, *Simoniaca dicitur, quis electus, etiamſi quid, ignorante eo, datum fuerit, vel promiſſum* †. *Electio ſimoniaca eſt caſſanda, ſi propter hoc electoribus promiſſa fuerit pecunia, quamvis electus ignoret* ‡. And therefore ſays Lord Bankton ||, " The conceſſion muſt " be free and gratuitous, otherwiſe the crime of ſimo- " ny is incurred. This holds by the Canon law, even " though the conſideration was given or promiſed " without the knowledge of the perſon, in whoſe fa- " vour the benefice is procured, for otherwiſe mercenary " ſettlements could not be prevented."

Were it at all neceſſary, the diſgraceful illuſtration of this corruption might be made very copious. Nor is it under Popery alone that this crying evil hath prevailed. The clearer light of the Proteſtant religion, is far from having influence ſufficient to diſpel this work of darkneſs. In Queen Eliſabeth's time, there was reaſon given to complain, in a ſermon before the court itſelf, that " patronages and vicarages ſeldom paſs now-a- " days from the patron, but either for the leaſe or the " preſent money. Such merchants are broken into the " church of God, a great deal more intolerable than " were they whom Chriſt whipped out of the temple."

* Cen 10 p. 453. † Inſt. jur. Can. l. 4. tit. 3. Decr. Greg.
‡ Lib. 5. tit. 3. Decr. Greg. || Inſtit. vol. ii. p. 2.

Nor were even the Queen's own princely and chaſte hands, nor thoſe of her celebrated miniſtry themſelves, free from the pollution; ſo that Spenſer dared to ſing,

Scarce can a biſhopric forepaſs them by,
But that it muſt be gelt in privity.

To this day how notorious is this fatal crime in England? There an oath of ſimony is taken of every intrant. But what doth it avail to prevent this unhallowed traffic? Doth it not avowedly go on? Is there an Advertiſer almoſt that doth not contain livings to ſell? "Livings "wanted with immediate reſignation;"—"Livings to "be ſold, with an old incumbent;"—"A living of ſuch "a value, in a fine open ſporting country." This is ſo common, that, in a viſitation-ſermon laſt year at Sudbury in Suffolk, Mr Croſſman obſerves, "Dreadful, on many "accounts, are the effects of this ſpiritual traffic: the "number of candidates for holy orders decreaſes annually, and will decreaſe more and more. The expence of "purchaſing preferment, added to that of the univerſity "(ſo much heightened of late years), is a burden too "great for a moderate fortune to bear. And the ſtudents grow too often careleſs of their morals, and "remiſs in their application to letters, knowing that "their ſucceſs in the world depends *not* upon their "learning, or merit, or good behaviour, but that a "living is bought, or held in commendam for them. "Good miniſters, faithful labourers, are diſcouraged "and faint." The author of *The conſtant reſidence of the clergy*, &c. printed at London in 1760, ſays, "In "reading Dr Reid's eſſay on the ſimony — in Ireland, "*Obſtupui! ſteteruntque comæ!*" It is the ſame thing in what country, or under what profeſſion it is; wherever patronage is fully eſtabliſhed, ſo that the ſettlement will follow upon a preſentation, there "the de"teſtable ſin of ſimony, and execrable before God *," will take place. In Scotland, after the King in 1597 got ſo much advantage over the church, and patronages in practice received ſo much more countenance and ſtrength than formerly, it was made a grievous

* Can. 40. of the church of England.

complaint,

complaint, that patrons bound their preſentees by oath, to ſet them tacks of the tithes after their admiſſion, reſerving to the miniſter but a very ſmall proviſion *. But, without enlarging upon this evil in former times, during the ſhort period that preſentations have been current among us, not a few inſtances are known, where it hath been practiſed. Not many years ago, upon repreſentation of the danger, the aſſembly found it proper to extend their laws (not neceſſary under their former and better models of ſettlement) againſt it. But what have laws, in any church or country, done to prevent it? They only give the unworthy an opportunity of inventing new evaſions, to avoid incurring the threatened cenſure. As the force of patronage grows, ſo will this miſchief abound. The value of preſentations in purchaſe hath much advanced; and very lately a patron could tell a ſolicitor, that his right had coſt him a hundred pounds, and he expected double intereſt for his money, and therefore to have a deduction of ten pounds from the ſtipend yearly. Theſe are not "ſuppoſitions and aſſertions" that merit little attention. The whole calls loudly for attention and redreſs, from all who would not, by this one door (was there no more danger from patronage) ſet open, introduce a ſet of clergy among us, diſgraceful, worthleſs, uſeleſs, and contemptible; without confidence towards God (how can they have it?), without courage towards man, cauſing the ſervice of God and their own adminiſtrations to be deſpiſed and abhorred. Patronage, by the encouragement it gave to ſimony, ever had, and ever will have theſe direful effects. Is not this then a conſtitution (our author and his friends themſelves being judges) ſo hurtful and deſtructive, that it ought, by every allowable method, to be reſiſted, diſcouraged, and ſet aſide, as much and as faſt as poſſible? This one objection,

* This was the ſpecies of ſimony the *then* ſtate of patronage and ſtipends led to. Sir George Mackenzie, in his Obſervations on act 7. parl. 1. James VI. p. 175. ſays, that Dr Forbes (no Preſbyterian), in his treatiſe of ſimony, exclaims extremely againſt this act of parliament, for allowing the incumbent to ſet tacks, reſerving to himſelf a ſufficient maintenance; and he urges violently, that this allows ſimony, rather than accuſes it.

were there no more, alone infinitely outweighs all that can be ſaid in favour of patronage, or againſt any other model ſet in oppoſition to it. This is in truth

——— immedicabile vulnus,
Enſe recidendum.

It is ſtill pleaded, (to give the objection in the words of Obſervations on the overture), " as one of the " grievances of patronage, that ſome of the clergy are " expoſed to great hardſhips, in being required to aſſiſt " at ſettlements, at which, according to their views, " they cannot be preſent with a good conſcience *." The argument upon which this complaint hangs, hath ſo often and ſo copiouſly been treated, in all Proteſtant countries, that it can have little effect to enter upon it, in ſo confined a way as this paper makes neceſſary. — Only it had been kind in this author, ſince he choſe to take notice of it at all, to have brought forth ſomething more deciſive upon his ſide, rather than barely to have mentioned the general and trite obſervation in favour of unlimited ſubjection to whatever orders the executive powers of a conſtitution are pleaſed to give, and without bringing forth ſomething in anſwer to the ſtrong things which, he muſt be conſcious, others have ſaid by way of reply, in their inſiſting for a limited obedience only. Indeed, if any queſtion may be called a Proteſtant one, this is it: the whole of that principle hangs upon it.

In the ſummary way in which our limits permit the ſupporting the being required to aſſiſt at the ſettlements complained of as a grievance, in regard to a good conſcience; I would firſt obſerve, that the caſe is ſtated very imperfectly by our author, as it ought to have been added, " and this requiſition is made under the " higheſt cenſures of the church." A ſanction more terrible than the hornings of old appointed by law, as the obligatory clauſe of the act of patronage, but which the humanity of our preſent conſtitution hath ſet aſide. For what are ſtipends or impriſonments, in compariſon of depoſition from that miniſtry, which all that have truly received, hold dearer than life itſelf?

Our author's poſition upon this ſubject is, " That, in " conduct, individuals are not to follow their own in-

* Obſ. p. 24. " clination,

" clination, but to ſubmit to the laws and deciſions " of the ſupreme courts eſtabliſhed by its authority *." And the reaſon by which he ſupports this is, " that the " exiſtence of ſociety depends on this principle."

Whatever degree of truth in general may be in the doctrine, it is, on the other hand, maintained, that great limitations are requiſite in the application of it to particular ſocieties, ſo as to juſtify an entire acquieſcence in it.

It is granted, that all governments muſt be, at bottom, in one ſenſe abſolute, whether the power and adminiſtration be in one, in few, or in many hands. But then in all governments whatſoever, for the ſame reaſon that there ought to be a ſubjection unto them, a deeper ſubmiſſion muſt ever be ſuppoſed to be yielded to the moſt high God, in as far as his authority is infinitely higher over us, than any human inſtitution can pretend to. Acts v. 29. contains a maxim univerſal, and without exception: no rational being, far leſs a Chriſtian, can except againſt it.

And therefore, in contending againſt thoſe who, for conſcience ſake, complain of the grievance of our late adminiſtration with regard to patronage, in requiring miniſters, under high cenſures, to aſſiſt at certain ſettlements, there is reaſon to remark on the inaccuracy, if not want of candour of this author, in ſtating their ſcruples. He in their own language mentions *conſcience*, as ſtanding in the way of their obedience to particular appointments. But when arguing againſt this conduct, he repreſents this their conſcience only as " ideas and in- " clinations," and the diſobedience, as acting agreeably to them. Where conſcience is concerned, there muſt, to be ſure, be both ideas and inclinations. But theſe, in themſelves, are far from coming up to the notion of conſcience; and we may have hundreds of them, without any concern with conſcience. Conſcience hath ever its relation to God as its Lord, by which he conveys his will, in a ſenſe of duty, to us. It is only where this operates, that non-activity in obedience to the orders of ſupreme courts is pretended to be juſtified.

* Obſ. p. 25.

If

If the ſcruple riſes no higher than inclination to have things otherwiſe; as that may be for many reaſons, where the divine will is not concerned; ſo it is admitted, that in ſuch caſes it is our duty to deny ourſelves, and obtemperate the orders of ſociety.

But the doctrine of our author admits of no exception at all. He without the leaſt limitation inculcates a ſubmiſſion (evidently meaning a full and active obedience) to the deciſions of ſupreme courts eſtabliſhed by authority of law, and aſſerts any oppoſite opinion to be "an erroneous principle of conduct." Now, this, we conceive, is a poſition not admiſſible. For beſides that, according to the unchangeable principle juſt now mentioned, that it is better to obey God than man, it is poſſible, under any conceivable laws, or the adminiſtration of government by courts eſtabliſhed by them, that orders may be iſſued, either in themſelves, or in the conception of the ſubject, directly oppoſite to the laws of God, as in the caſe of the King of Babylon commanding all his ſubjects to commit idolatry. And in ſuch caſes, let the government be eſtabliſhed as men will, the laws ever ſo regularly paſſed, and the ſupreme courts judging according to them, ever ſo ſupreme, it is doubtleſs the duty of the ſubject to refuſe obedience. There may be, there are governments too, that are particularly limited; and conſequently obedience is ſo, according to theſe limitations.

The application of this to the ſubjection due to the orders of the ſupreme courts in the church of Scotland, is obvious. Obedience to them is limited by the word of God, which all the miniſters of this church, in confeſſion, ſubſcribe to be "the only rule of faith and manners; that Chriſt is the only Lord of the conſcience; "—that the requiring an abſolute and blind obedience, "is to deſtroy liberty of conſcience, and reaſon too." —And limited alſo by her fundamental conſtitution and ſtandards, according to which it is the duty of all her courts to be conducted in their adminiſtration of government; equally ſo at leaſt as the Britiſh parliament, and far more the courts of juſtice and law, are regulated by the claims and bills of right; which even a parliament cannot violate; and according to which,

which, reciprocally, is the meaſure of the ſubjects ſubmiſſion.

In like manner, our ſupreme church-courts have no power of legiſlation, they can act only according to our true eſtabliſhed conſtitution. Deciſions they may make in particular cauſes, and orders they may give to put them in execution; but can enact no ſtanding laws; theſe can only be enacted by conſent of a majority of preſbyteries. In particular, with regard to deciſions, the form of the commiſſions to members of aſſembly, ſhews how limited the powers even of an aſſembly are. It is, that they are "there to conſult, "vote, and determine, in all matters that come be"fore them, to the glory of God, and the good of his "church, according to the word of God, the confeſ"ſion of faith, and agreeable to the conſtitutions of this "church;" clearly ſaying, that if the aſſembly itſelf ſhould decide, or emit orders not agreeable to theſe, then they who decline obedience to ſuch unſcriptural and unconſtitutional orders, are rather the church's firmeſt friends, and their conduct tends to ſupport the conſtitution in its true ſpirit, and to ſecure "what they "deem eſſential to their happineſs."

In Henry VII.'s time, the parliament of England, under the influence of Empſon and Dudley, ſet aſide trials by juries. Would any who had reſiſted that law, and refuſed ſubjection to it, have merited to be reckoned the overturners of government, or of maintaining principles ſubverſive of it, and of all order? No: they would have been entitled, and in the next reign had been conſidered as the worthieſt citizens, and the beſt members of the Britiſh commonwealth, when the traitors who extorted the law were condemned for ſubverting the *legem terræ*, and the unconſtitutional ſtatute was repealed.

Did the ſeven biſhops who refuſed obedience to King James in the affair of his proclamation, ſubvert government, or do what was inconſiſtent with the exiſtence of ſociety?

Or did the refuſal of many miniſters to read the act of parliament concerning the murtherers of Capt. Porteous, imply their holding principles ſubverſive of ſociety,

ciety, or of denying ſuch as the exiſtence of ſociety depends upon *? No: all went upon the ſame principle, That in the moſt dutiful ſubjection to the orders of ſociety, and of thoſe courts that are eſtabliſhed by its laws, there are reſerves and limitations, from the will of God, and from the original and conſtitutional principles of the ſociety. What dreadful conſequences would flow from the oppoſite poſitions, what rights of God, and man might not be overturned, or what ſecurity would there be for any thing, even the moſt valuable, the leaſt reflection will at once ſhew.

The church of Scotland in particular, from the beginning, was moſt free, and her liberty often declared and ratified even by the ſtate. Unembarraſſed in her faith or her diſcipline, ſhe ſat down on the ſcriptures themſelves, as ſhe underſtood them, and upon that foundation was ſhe eſtabliſhed; declaring they were her only rule; in all things, explaining what was common to her with other ſocieties, by theſe; and ſo formed her government and policy as the meaſure of her ruling over her members, not for their deſtruction, but edification.

* How far men may be carried away, who indulge themſelves in arbitrary notions of government, and, as their native effect, the duty of unreſerved obedience in ſubjects, may be obſerved by a remarkable anecdote preſerved by Dr Calamy in his life of Mr Howe. Every one knows how high notions of this ſort were carried by the high church clergy, about the year 1680. And it ſeems Dr Tillotſon was then not free from this fatal leaven. For, according to Dr Calamy's account, Dr Tillotſon preached a ſermon before the court that year, from Joſh xxiv. 15. wherein he aſſerted, that no man is obliged to preach againſt the religion of his country, though a falſe one, unleſs he has a power of working miracles. King Charles had ſlept during moſt of the ſermon; but a courtier told him immediately after, what a rare piece of Hobbiſm they had got. The King ſwore by his uſual oath, that he ſhould print the ſermon, and directly ſent him the orders. As was his cuſtom, the Doctor ſent a copy of it, when printed, to Mr Howe. — He was amazed; — they met, and canvaſſed the ſermon. — Mr Howe ſignified how much he was grieved, he ſhould plead the Popiſh cauſe againſt the reformation. — Dr Tillotſon at length fell to weeping freely, ſaying, this was the moſt unhappy thing that of a long time had befallen him, *&c.* — See the ſtory at large, in Mr Howe's life prefixed to his works — May all among us that have unwarily fallen into dangerous notions concerning church-authority and unlimited obedience, to be made ſenſible of the dangerous error, and its fatal conſequences.

With

With regard then to the declining an active obedience to ſome orders of church-courts, if any members come with their Bibles, and the ſtandards of this church, (which they have ſolemnly bound themſelves to abide by and ſupport), in their hands, and reſpectfully before their ſuperiors (for this is, on all principles, their duty to do) declare their ſcruples, from the obligations which their conſciences are under, againſt obtemperating the orders laid upon them; — that were it leſs than conſcience itſelf, they durſt not decline; — in that attitude they appear as dutiful ſons to God and the church. If, upon reaſoning, they are ſatisfied, they ought to acknowledge their miſtake, and obey.— If not, even to doubting, they ought to remain immoveable. Reverence to God, to his ſcriptures, and the conſtitution, infallibly binds this as their duty upon them.—If it is urged, But who is to judge of the validity of their reaſons, they or their ſuperiors? a queſtion ever put by thoſe who want to lord it, and have dominion over the faith of others; to this from the ſcriptures we have the anſwer that ought to be deciſive, at leaſt with Chriſtians: Rom. xiv. 1.—4. *Him that is weak in the faith receive you, but not to doubtful diſputations. For one believeth that he may eat all things: another who is weak, eateth herbs. Let not him that eateth, deſpiſe him that eateth not; and let not him which eateth not, judge him that eateth: for God hath received him. Who art thou that judgeſt another man's ſervant?*

This certainly is a fundamental rule in the kingdom of Chriſt; and to ſay, that in any caſe the obſervance of it is not conſiſtent with Preſbyterian government, if true, were paying the worſt compliment to it that is poſſible; amounting to this, that Chriſt's fundamental laws of forbearance and gentleneſs cannot always be obſerved under it. And particularly, on the argument in queſtion, to inſiſt on the neceſſity, according to Preſbyterian principles, of forbidding, upon declining to obey certain orders from conſcience, to exerciſe the office of the miniſtry any more; is it not expreſsly to be of another ſpirit than he was, who ſeverely rebuked his diſciples for diſcharging others to ſpeak in his name, becauſe they followed not with them? And therefore to

do

do this, and in his name too; is it not to borrow it, where he will not lend it? and too like beating his men-ſervants, while he delays his coming, ſo awfully threatened by him? Theſe things may ſeem good to men; but do they ſo too, to the Holy Ghoſt, as all church-ſentences ſhould? Or do they bear our Lord's image and ſuperſcription? What then becomes of the ſacred injunction, *We then that are ſtrong ought to bear the infirmities of the weak*, (ſuppoſing they are ſo), *and not to pleaſe ourſelves?*

Beſides all that thus can be ſaid from ſcripture againſt ſuch high, more ſo than Tory principles, who never held that men ought to obey in oppoſition to conſcience; is not the aſſuming them, eſtabliſhing that diſcretionary power in the breaſts of judges, which our author declares ſo great an averſion to, as oppoſite to juſtice and ſound policy? ſince indeed, according to them, men may be at once bereaved of their moſt valuable privileges, and have no ſecurity for them whatever, excepting our determination to ſubmit to the deciſions of men, whatever they may be. And how far this may be carried, who can tell? It includes an *et cætera* with a witneſs.

As to the author's affirming, that, without the unlimited obedience inſiſted upon, from every individual, to whatever orders may be iſſued by the eſtabliſhed courts of a ſociety, and for this reaſon, that its exiſtence depends upon it; it may be obſerved, that the moſt unſatisfying of all methods of arguing is from negatives, or becauſe an abſurd conſequence will follow, if the oppoſite propoſition were true, therefore the other ſhould be eſtabliſhed; becauſe there are few ſides of any queſtion that hath been toſſed among men, where this hath not been alleged *vice verſa* by the opponents; and which abſurd conſequences they again ſeverally refuſe, as truly drawn from their own principles. And, in the preſent queſtion, it were no difficult matter to gravel the friends of patronage and of unlimited obedience, with conſequences from their tenets which they would not willingly admit of.—But to eſtabliſh this capital doctrine of theirs, ſo very important to the peace and the ſafety of what is deareſt to Chriſtians, the keeping their conſciences void of offence, it

is certainly incumbent on them (as Mr Locke demands in a like caſe *) " to ſhew him the edict, by which " Chriſt hath impoſed this law upon his church. And " let not any man think me impertinent," ſays he, " if, in a thing of this conſequence, I require that " the terms of that edict be very expreſs and poſitive," when there is ſuch a general ſpirit, and ſo many particular paſſages, in the way of forbearance, and bearing one another's burdens, in his goſpel, to the contrary. Beſides, this is a queſtion of fact, as much as it is of truth; and it is affirmed, that no extent of literature, or knowledge of the hiſtory of the church, can, for many ages before Chriſtianity was corrupted, produce ſuch a principle received among Chriſtians, or inſtances of ſuch cenſures having been inflicted upon Chriſtians or Chriſtian miniſters, upon non-compliance according to it, as have been among us, on this account. And yet Chriſtian churches have exiſted; ſo that their exiſtence hath not depended either upon the receiving the principle, or the not acting in conformity to it, where conſcience hath been concerned, or fairly pleaded as a reaſon of forbearance in love from their brethren.—But the true way of having every order ſubmitted to, and of avoiding all the diſobedience and diſorder complained of, would men be perſuaded to it, is to make our deciſions conſtitutional. Then there will remain no more complaint of diſobedience, nor any neceſſity for harſh meaſures to force compliance.

Perhaps the author was not the leſs willing to introduce this topic, that he might indulge himſelf in the triumph over the oppoſition, by the joyful recital he makes of the orders given by thoſe of that way of thinking in the aſſembly before laſt, in the ſettlement of Shotts.—Some obſervations, however, are obvious upon this point. Firſt, that the ſentence for the ſettlement itſelf was not of their paſſing. It may be juſtly ſaid of thoſe he ſo much exults over, that they never would have ſo determined. Neither is it clear at all, that as they did not break through the conſtitution, by making a greater number neceſſary to be a quorum than law or practice had formerly eſtabliſhed; ſo, if any

* Firſt letter on toleration.

of the preſbytery of Hamilton, to whom they gave the peremptory order, upon non-compliance had appeared before them, and had pleaded conſcience, offering, at the ſame time, the reaſons that influenced them to that conduct, even though they had not appeared perfectly ſatisfying to themſelves, that they would have highly cenſured them, whatever they might have done with others, had they alſo diſobeyed, and could they make no ſuch defence; but rather, with regard to the former, would have acted, not to ſay in the ſpirit of the goſpel, but of humanity itſelf, and like that nobleſt of Britons, Mr Onſlow, the late Speaker of the houſe of Commons, who, on pronouncing puniſhment for obſtinacy, upon a gentleman who refuſed to bend his knee at the bar of the houſe, in acknowledgment of a treſpaſs againſt it, ſaid, if even in that inſtance he had pleaded conſcience, he would have been for excuſing him; though, on the foot of mere ſtubborn contumacy, he could not.

And further, on this order ſo much exulted in, it is to be obſerved, that a reſpect to a fundamental and conſtitutional law, that one aſſembly cannot vary from nor undo what a former had determined, evidently ſwayed them who framed the appointment iſſued on that occaſion. If the friends of patronage triumph in this meaſure, how much more had they done ſo, if, by any ſentence of that aſſembly, the ſettlement in queſtion had been made void? Then the declamation had been boundleſs upon its abſurdity, and theirs, who ſo determined, according to this principle. And yet, with all this high tone for conſiſtency, order, and law, is there not reaſon to ſay, that they themſelves, when it ſuits them, can break through this very conſtitutional rule without ſcruple, as they did laſt year in the affair of St Ninians? Here they no more regarded a final deciſion of a former aſſembly in a private cauſe, than if it had been an interlocutor of a preſbytery or kirk-ſeſſion, by the conſtitution ſubject to the review of a ſuperior court; but, without ceremony, went not only upon the cauſe itſelf, but upon the very papers that had been cognoſced and judged upon by the former aſſembly, as if its deciſion had given no interruption, nor had any effect upon

on that proceſs. Behold the zeal and the conſiſtency of the friends of the authority of ſupreme courts, and their deciſions!

Too often hath falſe compaſſion to particular preſentees been an unhappy inducement to fatal deciſions. —Neither hath the ear been ſhut to private and ſcandalous ſolicitation of every kind, and from every hand, ever diſgraceful in a judge, and noxious to the public good, to admit of. If all ſuch applications had been rejected with the ſcorn and indignation they deſerve, it had in many caſes prevented contempt to miniſters, and weakneſs to the conſtitution. But ſeparate from this ſhameful reproach, little do many think, while a falſe pity is ſhewn in theſe matters to individuals, what cruelty hath often been exerciſed to multitudes. Happy had it been, if the principle laid down in the preface to the diſſent of Dr Robertſon and others againſt the ſentence of the commiſſion 1751, had been attended to with application to the caſe of many preſentees. "The diſſenters have all due regard to "their brethren of the preſbytery of Dunfermline, "and are far from denying them a reaſonable degree "of pity and indulgence. But whatever pity or "compaſſion may be due to them, ſurely much more "is due to the church of Scotland. Lenity to in-"dividuals, is often cruelty to the public.

CHAP. XI.

Moderate meaſures recommended, from the proſpect of more uſefulneſs.—Avoiding offence at admiſſions.—Cutting off hope of relief from patronage.—Bad effect on miniſters happineſs.—Unfavourable to the dignity of judicatories;—nor increaſes reſpect even from patrons.—Effect on principles and religion.—Perſuaſive to hold faſt and exert our liberty and privileges.

THE many hardſhips attending upon the rigorous uſe of patronage in the ſettling of miniſters, one ſhould think, might influence wiſe and good men to ſtop ſhort, and try what gentler meaſures would produce in ſettling our preſent diſtracted ſituation, and preventing a

further ſpread of theſe evils. Severities have been uſed; they have not had the wiſhed for ſucceſs in conciliating the minds of men to the ſyſtem that hath been carrying on; and a ſteady purſuit of them but increaſes bad temper and diſorder. Were it true, that law made ſuch exceſſes neceſſary, they would admit of more vindication. But when it is undoubted, on the contrary, that there is a conſtitutional truſt repoſed in judicatories to mitigate this rigour of patronage, and that the church is under no neceſſity to proceed to ſettle, it is hard, very hard not to exert it on all proper occaſions. By not exerting it, we at once embolden patrons to the more wanton exerciſe of their power, and exaſperate the people to greater obſtinacy; and make preſentees in general more unacceptable than otherwiſe they might be. The injuries that on all hands are hereby incurred, are many and great.

It is in our returning to act in the ſpirit of the act 1690, by making it the great rule of our determinations, and holding it forth thereby to all as *the baſis* of what again we wiſh to ſee eſtabliſhed legally as our conſtitution, that we can beſt hope to retrieve what is loſt by violence, and to be preſerved from a greater increaſe of our evils.

Hereby one of the greateſt obſtacles to uſefulneſs is moſt likely to be removed, by having a more acceptable miniſtry. Let us never forget what our Lord ſaid concerning the Sabbath, that *man was not made for it, but it for man.* So the people and ſettlements were not made for miniſters, but miniſters for them. And without acceptableneſs the inſtitution is vain. Without eſteem and love, let a miniſter's qualifications be what they will, he muſt inſtruct and labour under the greateſt diſadvantages. And however light the advocates for patronage, and the author under review, evidently make of this, it ſtands with reaſon, and experience does, and will unchangeably confirm the maxim, "That acceptable and uſeful teachers are convertible terms." Beyond all other ſpecies of inſtruction, prejudices in men againſt the teachers of Chriſtianity are fatal to its intention. There is enough of corruption naturally in our minds to withſtand religious perſuaſion, when attended with

with every advantage; but when this is fortified by prepossessions against the teacher, what can be expected but neglect and disregard?

The greatest stress is laid, by the ablest masters in oratory, upon the good opinion an auditory hath of those who address them. They make it ever necessary to successful instruction. The different effects of an acceptable or unacceptable orator is thus described by Euripides:

——— λογος εκαδοξουντων ιων
κακ' των δοκουντων, αυτος ȣ ταυτα σθενει.

And from Virgil's beautiful description of the appeasing of a tumult, we learn what powerful influence the favourite opinion of a public teacher hath upon the minds of an audience:

Tum pietate gravem ac meritis, si fortè virum quem
Conspexere, silent, arrectisque auribus astent.
Ille regit dictis animos, et pectora mulcet.

It is not slightly, therefore, that "being of good re-"port" is put among the qualifications essential to a Christian teacher in the New Testament. It is their province to preach spiritual and self-denying truths; and "however great their knowledge of history, mo-"rals, and other parts of literature [our author's essen-"tial requisites] is, to explain successfully the scrip-"ture and theology, and to combat the irregular pas-"sions of those under their care;" if prejudices against them, however so qualified, rest in the minds of their people, their talents will be exerted in vain.

There may be, no doubt there are, very different degrees of elocution among the teachers of religion, and according to the natural or acquired abilities they possess in this sphere, such to a certain degree will their acceptableness be. But two ingredients, it is imagined, are essentially requisite in the character of every minister, without which, it is not easily conceived, he can prove either acceptable or useful to any congregation. First, A persuasion, that he is himself from the heart convinced of the truths he delivers. And, 2dly, That an unfeigned desire to promote their best interests is the

great and governing motive with him in undertaking the office of the miniſtry among them. While theſe, and not a regard to his own reputation and ſecular concerns, are believed to be his determining reaſons for devoting himſelf to this ſervice, many diſadvantages and infirmities will be overlooked, and their ears will be open to his inſtructions.—But when there is but a ſuſpicion of defect as to theſe, let him be otherwiſe ever ſo well accompliſhed, it is to be feared he will ſucceed but poorly as to real uſefulneſs in his office. Even in the common intercourſe of life, is it poſſible we can pay that attention and reſpect to the counſel of one of whoſe friendſhip we are ſuſpicious, which we readily yield to his advice, who, we are convinced, has our intereſt at heart, and is anxious to promote it?

And will not the ſame rule of judging apply with at leaſt equal ſtrength in ſpiritual concerns? Better or worſe founded, is it to be imagined, that a congregation will not readily receive prejudices againſt reſpect to his perſon, or ſubjection to the truth as taught by him, who, contrary to their inclination, is thruſt in among them? —What, for example, is their diſpoſition of mind likely to be in hearing him declaim concerning heavenly-mindedneſs, and contempt of this world's goods? Offence and reſentment, it is to be feared, will occupy the place of reverence, and a kindly bowing of the heart to the divine exhortation. Such prejudices remaining, men may argue and paint as they will, it is, in ſuch a ſituation, as ſpeaking to the winds, with regard to the hope of anſwering the end of public teaching, in producing the true ſpirit and fruits of religion among the hearers.

By any thing now ſaid, however, there is not the moſt remote inſinuation intended, as if many good men have not been diſagreeably ſettled; nor that inſtances may not be given, wherein prejudices have not been overcome. But ſtill, on the other hand, it is too true, that theſe laſt are in compariſon but few in number, and have moſt frequently happened after long patience, much diligence, and many acts of condeſcending kindneſs. The reverſe hath often been the unhappy caſe; —unhappy for the miniſter, unhappy for the people,

unhappy

unhappy for the neighbourhood. —— How anxious do we find even the apoſtles to prevent or cut off all occaſions of offence; that the miniſtry might not be blamed, that they might not run in vain, nor labour in vain?— In modern times, no man living knew better what was neceſſary to uſefulneſs than Mr Baxter. He obſerves *, that to perſecute (or beat hard on) men, and then call them to charity, is like whipping children to make them give over crying.—"I ſaw," (ſays he, ſpeaking of the miniſtry), "that he that would be loved, muſt love; "and he that rather chuſes to be feared than loved, "muſt expect to be hated, or loved but diminutive-"ly; and he that would have children, muſt be a "father; and he that would be a tyrant, muſt be con-"tented with ſlaves." Nothing can be more unpromiſing to the proſperity of religion, than the cold, awkward, and unchearful ſubmiſſion which is yielded to paſtors ſettled by the heavy hand of power; without the deſire, love, or reſpect, which, among all people, is the true foundation and hope of profitable adminiſtrations.

If ſuch is the comfortleſs proſpect as to ſucceſs, even where there is a ſeeming concurrence under violence, what is it where the people will not ſo much as feign ſubjection? In the firſt caſe, there may be ſome diſtant hope by diligence and kind offices to gain them; but, in the other, even that remote expectation vaniſheth.— From firſt to laſt, the courſe of violence is againſt the whole ſpirit and genius of the goſpel; as it is certainly contrary alſo to the primary and great view of the legiſlature in providing a ſupport to its miniſters. It was to unite and gather into one, and not to ſcatter and divide. And ill is that good end anſwered, when church-judicatories, the ſuppoſed natural guardians of the people's welfare, are appointed executioners of the law, with powers without control, or right to appeal from their deciſions, as to the admiſſion of miniſters, inſtead of making a prudent and juſt exertion of them, contribute to fruſtrate the great end of the inſtitution, by rendering uſeleſs and unacceptable many miniſters, thro' the violence of ſettlements by their appointment.

* Large life, p. 14.

But

But as the fruſtrating the ends of the miniſtry by violent ſettlements is, in itſelf, a capital evil; ſo it doth not come alone. One, among others, immediately connected with it, is that offenſive ſcene that is gone through at ſuch ordinations. Men may contemn the objection as trivial, and ridicule their weakneſs who are moved by it; but, in the eye of reaſon and religion, the tranſaction is, notwithſtanding, very diſguſting. Where there is no congregation conſenting, it doubtleſs reverſes our ever acknowledged conſtitution, of the neceſſity of a miniſterial relation between a paſtor and his flock; and proceeds upon the Epiſcopal principle of a biſhop's ordination and miſſion being the only requiſite to the miniſtry, in face of ſcripture and genuine antiquity. But even this would be more excuſable, if it were not ſtill tranſacted under the forms of another principle, *viz.* where the conſent of a congregation is ſuppoſed through the whole. One of the ſolemn queſtions put to the intrant on that occaſion, is, "Do you accept of and cloſe with this call," *&c.*? But in what good ſenſe, or with what truth, can this be anſwered by men who have no ſhadow of a call in the ſenſe (the rule of underſtanding all oaths, declarations, and ſubſcriptions) of the impoſers?

The church of Scotland, from the beginning, as has been above obſerved, was free; and had liberty of forming her own diſcipline and rules eſtabliſhed by law. In admiſſion to the miniſtry, under various adminiſtrations, ſhe hath defined what ſhe intended by a call. The queſtion is put by her appointment, and to be underſtood in her ſenſe. This is our conſtitution; nor can even an aſſembly find a call in the *church*'s declared ſenſe, in oppoſition to its exiſtence. With what good conſcience, then, can this queſtion be either aſked or anſwered, when there is not a ſhadow of one in the church's meaning of it?—Even clergymen, too much celebrated in the world for finding ſalvos and diſtinctions, in very ſolemn ſubſcriptions and declarations, will not eaſily perſuade men here, that this ſcene can be tranſacted with integrity. Common ſenſe revolts againſt it. To ſay, as hath been done, that a preſentation is the legal call, (let it be ſuppoſed

ſo

ſo for argument's ſake), if this were true, would it not be fair ſo to expreſs it? But the fact is, the law gives no ſuch name to a preſentation, nor appoints any ſuch queſtion to be aſked at a preſentee; on the contrary, it hath committed the right of admiſſion and all its rites to preſbyteries, and the church to form her own rules for conducting them: ſhe accordingly always did ſo, unquarrelled by any law of patronage. Among theſe this is a capital one, that a man admitted ſhould have a call; and this neceſſary queſtion is formed upon it. And to have no call, that in any ſenſe can be ſo named, and yet in the preſence of God to ſay, I accept of it! what *Noli epiſcopari* was ever more ridiculous or criminal? *Offences muſt come*, ſays our Lord. They often proceed from quarters leaſt to be wiſhed for. With what indignation have we, and thouſands of ſerious Chriſtians in England, looked upon the profanation of our Lord's ſupper, by the teſt-laws making the partaking of it a neceſſary term for enjoying a civil office? But how does the proſtitution differ, if another of his appointments, gone about by prayer and the laying on of hands, is made neceſſary—to what? to give a legal title to temporal emoluments, without people to miniſter to. Let who pleaſes tell. And is it come to this, that, notwithſtanding all the liberty and independence of our church-conſtitution, its ſpirituality ſhould be ſo ſunk into, and in too many inſtances ſwallowed up in the temporalities which the ſtate hath connected with it? Men may palliate and brave it as they pleaſe; but this is, and muſt, while tranſacted under ſolemnities highly expreſſive of other principles, be offenſive.

By theſe meaſures too we effectually prevent every hope of procuring relief from this bondage, or any further mitigation of it. The yearly inſtruction to the commiſſion, to embrace every favourable opportunity to obtain ſuch relief is not as yet formally ſtruck out: but the continuing to take every opportunity of ſcrewing up the oppreſſion of patronage ourſelves, moſt effectually ſecures its perpetuity. With what countenance could relief be aſked from a law, of which we ourſelves ſeem ſo fond, as not only in practice to carry to the utmoſt, but to ſtretch it in execution even beyond

both

both its letter and intention? Yet it is acknowledged by the author of Obſervations on the overture *, That "no man of candour can poſſibly deny, that "there are grievances attending ſettlements by preſen-"tations." If he and his friends are in earneſt in this, why do they not tell us what theſe are, and why not uſe the liberty the law hath given to avoid them? Or if, in their judgment, the law, as it ſtands, permits it not, why at leaſt not carry it as far as it will go, and, with the ſpirit of Britons, purſue meaſures proper for obtaining a deliverance from what themſelves acknowledge to be evil? It would gratify others much to be informed what they think grievous in theſe ſettlements. Nor ſhould aid be with-held from helping forward a deliverance from it. Yet this is a ſatisfaction, they are ſorry to ſay, was never indulged them. But, in matters of right and power, who gains any thing by mean ſubmiſſion? It is the reſolute and undaunted who prevail, while the tame under oppreſſion invite to higher degrees of it.

If any, upon ſuch reſolute conduct, ſhould uſe the old objection, of fear of the government's being provoked to deal more harſhly with us, and make the grievance heavier; it is anſwered, That the inſinuation is very diſreſpectful and injurious to our good government, as if by it oppreſſion would be uſed towards the church for employing the powers veſted in her by law, and for the very end for which they were committed to her, the maintaining peace and edification of the church, and preventing endleſs ſeparations. It is aſſerting the government will pay no attention to any object in this matter, but to the power of patrons;—that they have no reſpect to an eſtabliſhed conſtitution, nor to the uſefulneſs of an eſtabliſhed miniſtry, the peace of a country, nor to the advancement of the intereſts of religion: but that, neglecting all theſe as unworthy of regard, they will alter irrevocable laws, and reach forth the iron rod of dominion to haraſs and oppreſs their beſt friends. How would it be taken, if civil courts were ſo talked to, while keeping within the law preſcribed to them, in the exerciſe of the *nobile offi-*

* Obſ. p. 6.

cium

cium entruſted with them, though to the diſpleaſure of intereſted men? Where is the ſociety, or indeed ſingle perſon, to whom it is imputed as a crime, that they ſtand upon their legal rights, even againſt government itſelf? Are they not rather applauded for acting up to the ſpirit of Britiſh ſubjects, in ſtanding firm, and reſiſting adminiſtration, when attempting to encroach upon their privileges? Has not this made Hampden and his brave aſſociates illuſtrious, for ſtemming the tide of encroaching power, and ſaving their country? And ſhould not we too, in aſſerting our rights, hope for praiſe, inſtead of ſtanding in awe of cenſure? the rather that the only intention of ſuch conduct muſt appear to be a real obtemperating the law in its true ſpirit; that is, to prevent diſſenſion. This is expreſsly given in the preamble of the act 10*mo Annæ*, as the reaſon of reſtoring patronage. It ſays, "that the act "1690 had proved inconvenient, and occaſioned "great heats and animoſities among thoſe that were "thereby intruſted with the power of calling mini-"ſters; ſo that, after the experience of many years, "the legiſlature found patronage to be the only ſy-"ſtem that could preſerve peace and order in the ſet-"tlement of vacant churches." We are not now to be taught who were the authors of this injurious but ſpecious repreſentation, in order to reſcind the act 1690. But let the fact ſtand as ſet forth in the act. It is clear by it, that diviſions are very diſagreeable to the legiſlature, which they are very ſtudious to prevent. For this end patronage is adopted. But hath the trial of this expedient for theſe many years ſhewn, that it is in this country adapted to anſwer the purpoſe, which the legiſlature was ſo anxious to promote? Hath not experience too authentically aſſured us, that the more rigidly the flattering remedy for quiet is exerciſed, the more heats, animoſities, and ſeparations become the certain and unhappy conſequences? Can we better anſwer the declared purpoſe of the law, then, than by employing that moderating power it hath intruſted us with, to decline ſettling in diſagreeable caſes, and thereby lead patrons to the exerciſe of their power in a way more favourable to the purpoſes of edification and peace?

Nay

Nay more, as we have ſaid, that ſuch conduct would not, we may juſtly carry it further, and inſiſt that it could not, any way endanger us with the government; and for this ſtrong reaſon, that we have our preſent conſtitution and our privileges unalterably ſecured to us. It is true, our author * aſſerts in oppoſition to this, and in expreſs reference to our union-ſettlement, "That "no human laws are incapable of being repealed by "the legiſlature." This is a Briton indeed!—this is a Scotch Preſbyterian! And will he take upon him to ſay, that even King and parliament can unhinge *magna charta*, or the bill and claim of rights? Theſe are human laws; but can they be repealed? Shall we aſcribe this horrid poſition to ignorance or overſight?—or, dangerous and myſterious as it is, (hardly indeed myſterious), to worſe intentions? And have we then no *unalterable conſtitution?* What is legal, we know, is ſubject to alteration every year, as the legiſlature ſees expedient and for utility; but not ſo our original and fundamental conſtitution. Upon this the legiſlature itſelf is founded, and according to it can only act. And if there is one point above all others unalterable in the Britiſh conſtitution, it is the Preſbyterian church of Scotland, declared *in terminis* to be ſo, and neceſſarily ſworn to be maintained by our princes, upon their entering upon government. Before any infringement can be made upon this, and our privileges contained in it, both the Britiſh parliament and union muſt be diſſolved. Before theſe were formed and conſtituted, each kingdom in their ſeveral parliaments provided for the preſervation of their reſpective churches, and the act of each was agreed to be taken as a fundamental condition of the future union. And accordingly the ſaid acts were ratified, approved, and confirmed, to be and continue in all time coming unalterable. The powers that made this treaty, the parliaments of Scotland and England, have no longer an exiſtence; and therefore what they ſeparately eſtabliſhed as the foundation of it, muſt remain inviolable; and can only be undone by the reſtoration of theſe powers, as they exiſted before it had a being. Let it no more ſurpriſe, that any who could thus raze immoveable foundations, is an

* p. 50.

advocate

advocate for high patronage, or any other ſpecies of hardſhip and oppreſſion.

Since then by arbitrary meaſures there hath been ſo little ſucceſs in promoting the beſt intentions of government, let lenient and more temperate ones be adopted, and trial be made whether they would not be attended with happier effects: as, firſt, upon miniſters themſelves. Individuals, in proſpect of a ſettlement by a preſentation, move every ſtone to accompliſh their wiſh, at once forgetting the public concern, and often their own trueſt felicity. The public eye, however, looks not ſo much on the gratifying the wiſhes of individuals, as to what ſcheme, upon the whole, offers faireſt for the true happineſs of all. What greater or more delicate pleaſure is there upon earth, than that of one coming to a congregation for their miniſter, as the object of all their wiſhes? — *I bear you record, that, if it had been poſſible, you would have plucked out your own eyes, and have given them to me.* But far different is his lot, who is preſſed upon a reluctant people.—Taking the matter much lower, one can hardly figure a ſituation leſs eligible than living in the midſt of men as unfriendly neighbours: nor is there any cauſe known more exaſperating, and which more plentifully produces either the with-holding the good, or doing the bad offices, that flow from that ſituation, and which the meaneſt often have in their power to give the mortification of, than the forcing a miniſter upon a people by a violent ſettlement. Even very conſiderable heritors, who by their rank and fortune are not ſubjected to many diſagreeable things, from the commons, as miniſters are, have ſometimes been made uneaſy on this account. Thus Mr Bayne late profeſſor of law in the college of Edinburgh, upon an after queſtion regarding the ſettlement of Kinroſs, in his printed pleadings on that head, expreſſeth himſelf: "Hath not my conſtituent [the patron, Sir "John Bruce], living in the midſt of all the fury and "rancour which are the native offspring of ſuch contentions, among his feuers and tenants, reaſon," &c. ? But if he thus was made to feel uneaſineſs, how much

more, on every account, do miniſters ſo diſagreeably ſituated?

Either a miniſter who is thus ſettled muſt be ſuppoſed to have the principles reigning in him, which at ordination he hath ſolemnly declared are his motives for entering into the ſacred office, namely, the promoting the divine glory and the good of ſouls, or not. If the firſt, I heſitate not a moment to declare, that, abſtracting from every other ground of diſtreſs, he is and muſt be among the moſt miſerable of mortals, when cooped up in a pariſh, where, through the prejudices and obſtinacy of the people, he lives without hope of anſwering theſe ends. His diſappointment and vexation will be as a painful and conſuming fire within his boſom.—If, on the other hand, a livelihood was principally in view, how little to be envied is the ſtate? *The life is more than meat.* Who would wiſh for a joyleſs, friendleſs exiſtence? What is mere food and raiment to ſuch, and even theſe but ſcanty? Conſidered in a ſecular point of light, the appointment in general of a miniſter, under the now neceſſary public burdens, and the riſing expence of all things, is ſurely an object beneath covetouſneſs; and its honour, merely as a rank of life, beneath ambition: A ſtation every way diſagreeable and comfortleſs, if its proper and ſpiritual ends are not anſwered: when they are, theſe can and will ſupport under many diſcouragements: when, through violent ſettlements, they fail, not fail only, but in their room coldneſs, and diſguſt, and many attendant evils ſurround. The proſpect of emerging from a ſtate of dependence and narrow circumſtances, and of being commodiouſly ſettled with a ſure income, together with the ſelf-confident hope of being able to overcome a preſent averſion in a congregation, often balances, in the minds of young men, every preſent uneaſineſs. And alas! they think not, till experience hath told them, that their fond hopes were but a dream, and that inſtead of affluence, a *res anguſta domi*, and the many diſagreeable things, inſeparable from a connection with an unſubmitting, reluctant people,—without money to purchaſe books, and real friends often at a diſtance; it is only left them to drag on life in a comfortleſs

fortleſs manner, with fruitleſs wiſhes that they had followed any other courſe of life for uſefulneſs or perſonal comfort. Not a few who have had this hard lot, have in the moſt public way declared they were very unfortunate and unhappy; and on that very account ſhew the more averſion to all ſuch violence. Many by the act 1690 might have been comfortably and uſefully ſettled, that by patronage have felt the reverſe as to both. For the ſake of young men themſelves, whatever they may think, it were well that a ſtop were put to violence, and mild meaſures purſued; they in the mean time giving heed to the experienced obſervation of Biſhop Burnet *: "When you are in orders, be ever ready to perform "all the parts of your function. Be not anxious a-"bout a ſettlement. Study to diſtinguiſh yourſelves "in your ſtudies, labours, exemplary deportment, "and a juſt ſweetneſs of temper, managed with gra-"vity and diſcretion. And as for what concerns your-"ſelves, depend on the providence of God; for he will "in due time raiſe up friends and benefactors to you. "I do affirm this upon the obſervation of my whole life, "that I never knew any one who conducted himſelf "by theſe rules, but he was brought into good poſts, "or at leaſt into an eaſy ſtate of ſubſiſtence."

Neither is the matter ſo light as altogether to be overlooked by us, that, by our hardſhips, ſo many thouſands of good ſubjects are thrown out from being under the inſpection of the eſtabliſhed miniſtry. We owe much to our excellent government, and ought carefully to guard againſt the leaſt thing that tends to weaken it, or vex, or alienate the attachment of its beſt friends. Our preſent new ſects, in their ſphere, were certainly ſo to be ranked. There is no intention to inſinuate, that in general they continue not determined friends to our civil conſtitution. Yet it amazed me greatly to read thus in a late publication by Mr Pirie †, concerning one great branch, the Antiburgher part, of the Seceſſion: "Their clergy call our revolution-kings monſters with "two heads, which muſt inſpire ſentiments of diſaf-"fection to our preſent ſovereign, which may ſooner

* Concluſion of his hiſtory. † Review of the principles of the Seceders, p. 6.

" or later diſplay themſelves in circumſtances more fa-
" vourable to their intentions This I ſpeak from ex-
" perience. In my thoughtleſs years, my ſpiritual
" guides artfully inflamed me with rage againſt our
" then King, becauſe he was not a covenanter; and
" all the Seceders I then knew, were affected with the
" ſame diſtemper." I can allow a great deal, in writing, to a party-ſpirit. If the charge is falſe, thoſe concerned can beſt juſtify themſelves. But as no ſeparation can be agreeable to the government, ſo any that hath this tendency is of more moment. Nor can I ſee how they can be juſtified as acting well, who by wanton (for that is ſo where the law obligeth not, which, it is ſtill inſiſted upon, is our caſe) violence, drive multitudes daily into ſuch hands.

Who knows not too, that theſe ways of violence are very unfavourable to the dignity and conſequence of our church courts themſelves, in the eyes of the great body of the nation? Nor is there any one thing more fatal to the proſperity of any ſociety, than the loſs of confidence in its members towards its governors. This need not be enlarged upon. Experience, and an hundred reaſons, confirm it. — Formerly, under the act 1690, great deference was paid to the deciſions of our church judicatories.—While that continued, the weight of public authority was felt, ſilencing complaints, and preventing diviſions. Whereas now a courſe of hated meaſures being carried on with a high and unrelenting hand, as the acts of power themſelves are abhorred, they who carry them on, ſhare in the indignation. The ideas of men are quite changed. Formerly they thought of thoſe who compoſed theſe courts, as friends to liberty, to religion, and to them. Now ſuch favourable impreſſions are no more. The reverſe too much prevails among the great body of the people, who moſt certainly think they are ruled with a rod of iron; their complaints not hearkened to, their grievances not redreſſed, when they might;— and inſiſt, that this is neither wiſe, nor grateful, nor acting like good men. And they aſk, " If, at the revolution, the inclinations of the people " were thought worthy of the attention of the govern-

" ment,

"ment, ſo that, in conſequence of it, the Preſbyterian "government was again eſtabliſhed *," why is that conſideration treated as unworthy of attention now, in one of its moſt favourite branches, by Preſbyterian miniſters themſelves? They aſk, "If the Preſbyterian ſyſtem "is the moſt unexceptionable in the whole Chriſtian "world †," why ſhould its ſtrength be waſted, and they who from the beginning moſt zealouſly ſupported it, driven away apace? Nor ought it to ſurpriſe, that "many members of this national church are apt to "ſound an alarm, that all our privileges are gone [or "in danger of being ſo], unleſs we are ſoon delivered "from what are called [and certainly are] *the grievances of patronage* ‡?" The reaſon is, becauſe they are not ſuch ſimpletons as to be ignorant, that as in a fort, ſo in a conſtitution, one capital breach may ruin all. They know how many nations, as well as the Caſtilians ‖, have thereby loſt their liberty, and that the beſt adjuſted ſyſtem of government in the world muſt ever ſo ſuffer. And ſuch a breach they certainly perceive patronage will prove to their well-tempered model of ſettling miniſters, if not properly guarded againſt; much more, as ſeems to be the humour of our church-courts, if all is gievn up to it. One of the firſt-felt evils of which is this loſing the hearts, the confidence, and reſpect to ourſelves as individuals, and to our aſſemblies as courts of judicature. Some men may be gratified, that, by their acts of power, matters go on, though to general diſguſt, yet to their liking. But even to thoſe who love to indulge ambition, would it not be preferable to attend to the fine remark of Dr Robertſon †? "Doria's "authority was more flattering, as well as more ſatisfactory, than that derived from ſovereignty; a dominion founded in love and gratitude, and upheld "by veneration for his virtues, not by the dread of his "power. His memory is ſtill reverenced by the Genoeſe, and he is diſtinguiſhed in their public monu"ments, and celebrated in the works of their hiſtorians, "by the moſt honourable of all appellations, *the father of his country*, and *the reſtorer of liberty*."

* Dr Robertſon's hiſt. of Scot. vol 2. p. 255. † Obſ. p. 3.
‡ Id. p. 34. ‖ Dr Robertſon's hiſt. of Charles V, vol. 1. p. 119.
† Hiſtory of Charles V, vol. 2. p. 311.

Neither, though it ſeems to pleaſe, does our conduct increaſe our importance with thoſe very patrons, to whoſe arbitrary nominations we ſo obſequiouſly bow, and which we ſo zealouſly promote. Did the neceſſity of law oblige to a compliance, an apology, ſuch as it might be, would be admiſſible. But what ſacrifices of liberty, dignity, and the intereſts of religion, without that neceſſity, have not been made to ſerve them? Yet never were miniſters nor eccleſiaſtical courts treated with leſs ceremony and reſpect by theſe very patrons, than they are at this very time. It muſt have ſo happened. The event is not new. Hiſtory vouches for it, that it ever was ſo in ſimilar circumſtances. The Roman ſenate yielded up their power to Cæſar; and Cæſar could not conceal the mean opinion he had of them ever after. So will every Cæſar, great or little, treat the minions, who tamely crouch to them. Maintaining juſt privilege, were we to act upon no higher motives, nor for nobler ends, is the true way to preſerve reſpect.

In what point of light is the proſpect amiable, as every valuable thing among us is affected by this unhappy partiality to rigid patronage? A ſpirit of diſſatisfaction, jealouſy, and diſpoſition to revolt from the eſtabliſhment, grows every day; and the evil ſpreads to places leaſt ſuſpected of the infection. The means propoſed by the ſupporters of this ſyſtem, inſtead of curing, but inflame the diſtemper. Not to inſiſt upon the temporal intereſts of the nation that are thereby ſubjected to loſs, and which ſome gentlemen of the laity are very ſenſible of, worſe conſequences are likely to follow upon it.

It need not be repeated, that the various genius of government hath a certain effect upon men who are under it; if free, to enlarge, if narrow, to contract the mind; and otherwiſe to have the moſt important conſequences upon the opinions and conduct of men.

Suppoſing patrons find themſelves without negative, of any weight, to control the exerciſe of their rights, will it not of courſe follow, that they will become perfectly deſpotic in the uſe of them, and particularly prefer ſuch as are moſt to their taſte for the miniſtry; and at the ſame time influence licentiates and miniſters, for

that

that very reaſon, to become agreeable to it? The inference is certain. Nor are we obſcurely informed by the abettors of patronage, what may be expected thence. The knowledge of theology, we are expreſsly told by the author of Obſervations on the overture, is none of the accompliſhments that will recommend to our preſent patrons. And his friend, the writer of the letter to the author of a pamphlet on patronage, aſſures us, that "infidelity, looſe principles on morality and religion, are prevalent, faſhionable, and gain ground." If among any ranks of men theſe may be ſuppoſed to abound, is it not among the higher ones, patrons, and thoſe who have influence upon them? Where that tends, we may learn from Moſheim, who aſſigns it among the reaſons of univerſal degeneracy *, "That the patrons of churches, in whom reſided the right of election, unwilling to ſubmit their diſorderly conduct to the keen cenſure of zealous and upright paſtors, induſtriouſly looked for the moſt abject, ignorant, and worthleſs eccleſiaſtics, to whom they committed the cure of ſouls."—Or if, in theſe days of literature, *ignorance* ſhould be blotted out from the above deſcription, and *polite* be put in its room, it may not mend the matter greatly with regard to ſerious religion. But faſhionable they muſt be who are their favourites; far from doctrine that will diſturb, they muſt preach ſmooth and unalarming things; nor be over-ſevere in diſcipline and reproof. Neither, in the courſe of things, will it long be difficult to find candidates in this taſte.

On the other hand, no old eſtabliſhed conſtitution or rooted principles can be unhinged, in whole or in any eſſential part, at leaſt in a land of liberty, without reſiſtance and complaint; eſpecially when, to the grief and ſurpriſe of the injured, they who were the natural and appointed guardians, become the moſt active and reſolute in ſpoiling them of their privileges.

Hence diſſenſions, animoſities, and all the evils of party-ſpirit, muſt abound. Breaches daily more and more widen; and the diſtinctions of the ſeveral ſides to

* Vol. 1. p. 390. See to the ſame purpoſe Dr Robertſon's hiſtory of Charles V. vol. 2. p. 104.

make

make the difference and the hopes of reconciliation as difficult and distant as possible, become more explicit and determined.

In religion, when such differences happen, it often proves fatal to its best interests. Who knows not, that in England of old, because the Puritans kept close to the doctrinal truths in the articles of that church, and to strictness in discipline and manners, that these were made the distinguishing marks of that party; and their violent adversaries encouraged, the rather, a system opposite to all, by which the established clergy became almost universally leavened with sentiments and manners that were every way the most opposite to them? So that though the thirty-nine articles continued to be subscribed by all, yet in their true sense were believed by few.—So saith Bishop Burnet *, "The greater part "subscribe without ever examining them; and others "do it, because they must do it, though they can "hardly satisfy their consciences about some things in "them." Hardly could he satisfy his own conscience in this tender point, as is seen by his wretched apology for subscription, in his preface to the Exposition of the thirty-nine articles †. Indeed the most amazing stretches are made this way in that church; so that even such a man as Dr Clarke could venture to print so loose a defence for doing it, as none but the most artful Jesuit could have formed. Of this, it is true, he was afterwards so much ashamed, when Dr Waterland took him to task for it, in his Case of the Arian subscription, that he expunged it in the after editions of his book wherein it had been printed. And Mr Whiston again redargued Dr Waterland's reasons against himself upon his subscribing, though an Arminian.

And if religious differences have such horrid consequences, what may we not dread upon ours? All the world knows that the principles of the confession, which, both by act of parliament and church-appointment, we are bound to subscribe upon our entry to the ministry, are indisputably Calvinistical, and we must be Calvinists to subscribe *bona fide*.—Now, the several sects that have

* Conclusion of his history.

† See an examination of this, Confessional, chap. 4.

separated

ſeparated from us, are all rigidly ſo. At the ſame time, like the Puritans of old, and our own forefathers, they profeſs ſtrictneſs of diſcipline and auſterity of life. By theſe, as well as ſome peculiarities belonging to their ſeveral ſects, they chuſe to be diſtinguiſhed from us, who, they openly ſay, are departed or departing from all. And between the favour of thoſe who have ſo much the diſpoſal of our ſettlements, acknowledged to be little inclined to thoſe who are in this way, and the very nature of party, that likes to be diſtant from its oppoſites, who knows what operation theſe may have to turn us off even from the faith, the diſcipline, and ſeverity in religious life, which was the characteriſtic of this church, and the glory of her miniſters? And are there no ſymptoms of theſe things already among us? When the very learned Mr Peirce dedicated his Vindication of the Diſſenters to the miniſters of this church, he ſays, that the above-named things were our glory, and prays it may ever continue to be ſo. But a later Engliſh Diſſenter, who ſeems to be no ſtranger to our affairs, but no Calviniſt, in a "ſerious addreſs to the church of "Scotland," concludes to this purpoſe: That he is informed we are remarkably departed from that ſtrictneſs of morals, which was formerly our glory and our ſtrength. Nor is he ſurpriſed at it, as he is alſo aſſured of the great ſtretches that are made in ſubſcribing articles of faith, which are not believed, making ſuch breaches upon conſcience, that let the degeneracy be what it may, he muſt ceaſe to wonder. Nor is this detail the beginning of a reproach. The altercation on all hands is already too public. We have ſeen an accuſation from the Obſervations on the overture, that "ma-"ny miniſters inſiſt conſtantly on the more ſublime my-"ſteries of religion, and thereby lead the people to be-"lieve, that all preaching that relates to the duties of "piety and virtue is a corruption of the goſpel." In ſubſtance the very charge made againſt the doctrinal Puritans by Archbiſhop Laud and his party, when Calviniſm was to be diſmiſſed, and Arminianiſm countenanced in England. This charge the Puritans denied, and appealed to their doctrine itſelf, to their labours,

* P. 23.

and

and their lives.—This alſo thoſe who, with us, continue to be attached to the Calviniſtical doctrines of our Confeſſion, utterly refuſe; deſpiſing, as rant, all accuſation of their diſlike of learning, abilities of any kind, or the not preſſing of the duties of piety and virtue. On the other hand, others are not behind in accuſing thoſe who are commonly diſtinguiſhed as "moral, "faſhionable, and polite preachers," with being not all very eminent for preſſing piety upon men, or enlarging on it as ſo important and ſpiritual an affair merits. Virtue, they ſay, they hear of from them, but little enforced by the great conſiderations with which the goſpel hath connected it: That as to the more ſublime doctrines of Chriſtianity, they obſerve them "almoſt "conſtantly" avoided by the above deſcribed, or ſo ſparingly, cautiouſly, and ſuperficially treated, if not explained away from the clear obvious ſenſe of them in the New Teſtament, and degraded from the rank they hold in our redemption, that it is very diſguſting to them. They ſay they wiſh for both, as in former days, when, under the unwearied labours of a faithful miniſtry, religious knowledge and practice, upon the whole, more abounded in this than perhaps any other national church upon earth. But they inſiſt, that things are greatly altered;—in reſpect of pure doctrine, that the ſtrictneſs of diſcipline is ſlackened, and paſtoral care is much neglected, family and perſonal religion on the decline. That theſe are the growing murmurs of one ſide, is certain; and if in any degree there is truth in them, if they natively ſpring from patronage, and are cheriſhed and advanced by the ſpirit of party-oppoſition, creating in their opponents contempt, jealouſy, and greater diſtance, the ſymptoms of miſerable diſſenſion, and its baleful influence, are thereby too evident; and is it not high time to ſuſpect the conſequences may prove fatal, not to the riſe or fall of this or the other man in point of power and leading; nor merely to this or the other plan of management; but to what all theſe ought to be ſubſervient to, the real intereſts of religion among us, without which all the reſt is triſle and folly? If by harſh meaſures the ſerious, and conſcientiouſly attached to our church, are driven from us, the indifferent rendered more ſo, corruption

ruption abound, and our ſtrength be weakened by diviſion, mutual jealouſies, and the antipathy of parties, there will then be no need of capacity to contrive, nor eloquence to perſuade, nor authority to impoſe, whatever pernicious counſels might wiſh to accompliſh. As to all that hath been reckoned our glory, in ſimplicity and ſpirituality of worſhip, power of religion, and uſefulneſs, our enemies may ſate themſelves, and in triumph ſay,

——*Jam ſeges eſt, ubi Troja fuit.*

While the few remaining lovers of our Zion, with heart-breaking regret, ſhall lament, *How is the gold become dim, the moſt fine gold changed! the ſtones of our ſanctuary are poured out in the top of every ſtreet.*

What then is our preſent duty to prevent further hurt to our church and country, and to ſecure what yet remains of liberty and religion to our eccleſiaſtical conſtitution? Sure, to examine with preciſion what are our conſtitutional privileges, and, in every legal and laudable way, to exert ourſelves in the exerciſe and defence of them.

Our conſtitution is deep laid in liberty, and that liberty eſtabliſhed from the beginning, ſecured by repeated laws. In 1565 *, it was ſtatuted and ordained, "that no other juriſdiction eccleſiaſtical be "acknowledged within this realm, than that which "is and ſhall be within this ſame kirk eſtabliſhed, "or that which flows therefrom †."—Our church had right from the ſtate to form her own rules, and to act by them, even under all the reſtraints from patronage.—And though we are bound to receive preſentations, and to propoſe preſentees to congregations, yet they may object on many accounts, beſides life and doctrine, as hath been ſhewn.—A call is neceſſary by all our rules; and this is ſtill the inſtruction to all preſbyteries, in proceeding to ſettlements by preſentees, that it be done according to the rules of the church, in

* Calderwood *ad. an.* 1565.

† This act, though not found in Glendook's edition, yet is in one printed by Jo. Roſs at Edinburgh 1575, act 12. 1569, and is again enacted in 1579.

which

which a call is capital.—That no ordained miniſter can make a legal acceptance.—That *non conſtat*, a preacher is qualified.—That there is no neceſſity from law to ſettle any qualified man.—That though, during a preſbytery's refuſal of one, the patron is entitled to retain the fruits of the benefice, yet over all the aſſembly is entitled to paſs final judgment, when it takes end, as they ſhall declare.

Theſe and others are great privileges, and ought at all times to be preſerved, and on every proper occaſion exerted.—Beſides the poſitive evidence brought for our being poſſeſſed of them, our very forms declare it is ſo. Every form in a well-regulated ſociety hath its principle, and can be traced to it.

In our Epiſcopal times, a preſentation addreſſed to a biſhop was all and all in a ſettlement, becauſe he could be charged with horning to enter the preſentee, the pariſh having nothing to do, under that conſtitution, but to receive him, and was therefore never conſidered; but a reſcript from the biſhop to his preſbyters to try his literature, and the ſerving an edict, if any thing in his life was ſcandalous, was all that was neceſſary. But the coercive laws being removed in our favour, we are reſtored to our original liberty in the exerciſe of our principles in ſettlements, which are not, that the mere miſſion of any clergy is ſufficient to the ſettlement of a miniſter, but that, by the will, aſſent, or conſent of a people, is a paſtoral relation eſtabliſhed, by which a perſon found qualified becomes their miniſter. And therefore, in the ſpirit of the original and true freedom of our conſtitution *, the preſentee is ſent to preach to the congregation; clearly ſaying, they have a right to be ſatisfied, or to make objections, if they are not; on which the preſbytery judge, rejecting them if made "from malice, not conſcience, or if frivolous;" if otherwiſe, patiently to hear, and impartially to weigh

* In Saxony they are much in the ſame ſituation as to patronage as with us; and upon this article, Zeigl. *de epiſc. l. 2. c. 3.* ſays, *Et ita ſe habet hodie jus patronatus in eccleſiis Saxonicis, in quibus non alium ob finem concionem δοκιμαστικην ad populum habere jubentur candidati, duo, tres, quatuorve, a patrono nominati, niſi ut ex illis eligi deinceps poſſit maxime idoneus.*

and

and judge accordingly. By our forms of calling too, we ſee our principles make a call neceſſary to the miniſtry. And every thing being done in preſence and by the authority of the preſbytery, ſhews alſo, that, with us, our courts are not mere executioners of the law, but judges of its application to every thing that appertains to the admiſſion of miniſters. In all this there is liberty, and nothing but the vigour of this ſpirit in our original conſtitution has preſerved us from abſolute eccleſiaſtical ſlavery to this day.

It is obſerved *, That the free and legal conſtitution of England, in ſpite of all the attempts of the Tudors and Stuarts to overthrow it, and notwithſtanding all the partial victories over it at times, ſtill held out until it finally triumphed at the revolution.—Liberty being always the informing principle of the whole ſyſtem, it became the conſtant object of the people, and on all emergencies, and after all dangers and encroachments, the ſpirit revived.—Juſt ſo is it with ours. Our eccleſiaſtical conſtitution at the reformation breathed liberty through its whole frame, was thereby ſupported under continual ſtruggle and oppreſſion; in particular, bore up under moſt unfriendly patronage.—After ſeeming annihilation, greatly by its hoſtile power, it revived again to vigorous life in 1638 and onward; and though again worſted by the fraud and force of its ancient foes, yet afterwards, through its unconquerable ſpirit, had a glorious reſurrection at the revolution; was once more checked by the old enmity, but yet exiſts under the ſame circumſtances in which it formerly bore up under many attacks, and ſurvived them all.

It is a conſtitution worth contending for, becauſe it is free;—becauſe its object is religion, in itſelf of all things moſt valuable, and only ſuits with liberty;—becauſe it hath been ſtruggled for by the beſt of men for ages, who ſpared not all they had on earth, nor life itſelf, to purchaſe and ſecure it.—The alternative is deſpotiſm:—and now is the critical time.—The danger is the more, that it ariſeth from ourſelves, and the intention is avowed.—Let none ſay, the queſtion is about an outwork.—It is an outwork indeed, but an outwork

* See Hurd's 5th and 6th moral and political dialogues.

that opens the way to all;—and, if overcome, will infallibly ſubdue all.—Our adverſaries know it well; and the true lovers of our good old conſtitution, are more than blind if they perceive it not; or if perceiving it, they act not with a ſpirit becoming the danger. Let it be our care, therefore, not to ſuffer our noble conſtitution to periſh in our hands; but let us adopt the reſolution of Dr Robertſon and others, expreſſed in the preface to their Reaſons of diſſent in 1751,—taken upon an apprehenſion of danger from diſobedience to the orders of the aſſembly. Be the merits of that queſtion how they may, at the utmoſt it concerned but the extremities; but ours the more noble and vital parts of our conſtitution, from which the other, as a guard, derives all its worth. "All we contend for," ſay they, "is, that the preſent moſt excellent conſtitution of "this church may be preſerved; and may be hand-"ed down to poſterity, as free and uncorrupted, and "as ſound and vigorous, as they have received it "from their anceſtors."—No more is aſked.

—— *Hæc mihi cede,* —— *et farre litabo.*

FREE

FREE THOUGHTS

ON THE

Moſt Probable MEANS of Reviving

THE

DISSENTING INTEREST.

Occaſioned by the late

INQUIRY

INTO THE

CAUSES of its DECAY.

Addreſſed to the Author of that INQUIRY.

By a MINISTER in the Country.

[PHILIP DODDRIDGE, D. D.]

——*Quem te* DEUS *eſſe*
Juſſit, et humanâ qua parte locatus es in re,
Diſce. —— PERS.

Interdum VULGUS *rectum videt.* HOR.

[Firſt printed in 1730.]

To the AUTHOR *of the* INQUIRY *into the Cauſes of the Decay of the* Diſſenting Intereſt.

SIR,

YOU will probably be ſurpriſed at this addreſs on occaſion of your Inquiry, ſo many months after the publication of it. But my diſtance from the town, and engagement in buſineſs, hindered me from an early ſight of it; and many accidents, which 'tis of no importance to mention, obliged me to delay finiſhing theſe papers, ſo ſoon as I intended, when I began to write them. On the whole, as I am not attempting to criticiſe on your performance, but only to offer ſome remarks, which I hope may be of common uſe, if what I ſay be juſt and important, it cannot be quite too late; and if it be either falſe or trifling, it appears after all too ſoon.

As I am perſuaded that the diſſenting cauſe is founded on reaſon and truth, and that the honour of God, and the public good is nearly concerned in its ſupport, you have my hearty thanks for that generous zeal with which you have appeared for the defence of it. On this account, I ſhould think myſelf highly obliged to treat you with decency and reſpect, how much ſoever my ſentiments might differ from yours, as to the particular cauſes of its decay. And indeed, Sir, you have taken the moſt effectual method in the world to prevent any thing of a rude attack, by treating all whom you mention, even the meaneſt and the weakeſt, with remarkable candour and humanity.

But I have the happineſs of agreeing with you in far the greater part of what you advance. I will not now debate, whether the principles of our diſſent are leſs known than they formerly were; and conſequently whether that be, properly ſpeaking, a cauſe of the late decay of our intereſt: but I will readily grant, Sir,

that it is highly neceſſary they ſhould be known; and I think you have done us a great deal of ſervice, by ſetting them in ſo eaſy, and yet in ſo ſtrong a light. I hope it may be a means of informing and eſtabliſhing ſome, who are too buſy or too indolent to give themſelves the trouble of peruſing what Dr Calamy, Mr Peirce, and ſome others have written ſo copiouſly and ſo judiciouſly upon the ſubject.

I farther apprehend, Sir, that nothing can be ſaid upon the caſe before us of more certain truth or more ſolid importance, than what you have frequently obſerved; *viz.* that our intereſt has received great damage from our acting in a manner directly oppoſite to our principles, by unſcriptural impoſitions, and uncharitable contentions with each other. I hope many of us have ſeen our miſtakes here, and ſhall be careful, for the future, to avoid what has been attended with ſo many unhappy conſequences.

After having thus declared my agreement with you, in the greater part of your diſcourſe, I hope, Sir, you will pardon me, if I add, that I cannot think that you have exhauſted your ſubject. To ſpeak freely, I think you have omitted ſome cauſes of the decay of our intereſt, which are at leaſt as important as thoſe you have handled. It is the deſign of my preſent undertaking, to point out ſome of the moſt conſiderable of them, which have occurred to my thoughts: and I perſuade myſelf, Sir, you will be no more offended with me, for offering this ſupplement to your Inquiry, than I imagine I ſhould myſelf be with any third perſon, who ſhould fix upon others which may have eſcaped us both.

You will the more readily excuſe the freedom which I take, as I imagine that the ſcenes of our lives have been widely different *, and conſequently I may have

* As the author to whom I write is not certainly known, I take it for granted he is what he ſeems by his manner of writing, a gentleman of the laity: And though I have been told ſince I drew up this letter, he is ſuppoſed by many to be a young miniſter in town, I have no evidence of it which is convincing to me: and as I apprehend, it would be ill manners to appear to know him under ſuch a diſguiſe, I thought it not proper to alter what I had writ with regard to the late report.

had

had an opportunity of making ſome uſeful obſervations which have not fallen in your way: tho' I queſtion not but if you, Sir, had been in my circumſtances, you would ſoon have remarked them; and perhaps have communicated them to the public with much greater advantage.

I ſhall add nothing more by way of introduction, but that I chuſe the title I have prefixed to theſe papers, rather than that of *A farther inquiry into the cauſes of the decay of the diſſenting intereſt*; partly, Sir, as it ſeemed moſt reſpectful to you, but principally that I may not appear to advance any direct charge againſt any of my brethren in the proceſs of this diſcourſe. I am ſenſible that would be highly indecent on many accounts, and particularly as it is from the example of ſeveral amongſt them whom I have moſt intimately known, that I have learned many of thoſe particulars of conduct, which I am now going to offer to your conſideration, as the happieſt expedients for the revival of our common cauſe.

But before I proceed to particulars, I would obſerve, (what we immediately allow, but too quickly forget), that we are to be concerned for this intereſt, not merely as the cauſe of a diſtinct party, but of truth, honour, and liberty; and I will add, in a great meaſure, the cauſe of ſerious piety too. I would be far from confining all true religion to the members of our own congregations. I am very well aware, that there are a multitude of excellent perſons in the eſtabliſhment, both amongſt the clergy and the laity, who are (in their different ſtations) burning and ſhining lights; ſuch as reflect a glory on the human nature, and the Chriſtian profeſſion. Yet I apprehend ſome of theſe are the perſons who will moſt readily allow, that, in proportion to the numbers, there is generally more practical religion to be found in our aſſemblies, than in theirs. This was ſurely the original, and this, if I miſtake not, muſt be the ſupport of our cauſe. It was not merely a generous ſenſe of liberty, (which may warm the breaſt of a Deiſt or an Atheiſt), but a religious reverence for the divine authority, which animated our pious forefathers, to ſo reſolute and ſo

expenſive

expenſive an oppoſition to the attempts which were made in their day, to invade the rights of conſcience, and the throne of God, its only ſovereign. And if the cauſe be not ſtill maintained on the ſame principles, I think it will hardly be worth our while to be much concerned about maintaining it at all. It muſt argue a great defect, or partiality of thought, for any with the Jews of old to boaſt of their being free from human impoſitions, when they are *the ſervants of ſin* *. And all the world will evidently perceive, that it is the temper of a Phariſee, rather than of a Chriſtian, to contend about *mint*, *aniſe*, and *cumin*, (on one ſide of the queſtion or the other), while there is an apparent indifference about *the weightier matters of the law* †. We that are miniſters may entertain ourſelves and our hearers with fine harangues in defence of liberty; but I apprehend, that, in the near views of death and eternity, we ſhall have little ſatisfaction in reflecting on the converts we have made to that, unleſs at the ſame time we have ſome reaſon to hope that they are perſons of true ſubſtantial piety; ſuch as will be our crown in the day of the Lord, and our companions in the glories of the heavenly world. I cannot ſay how trifling and contemptible our labours appear to me, when conſidered in any other view. And therefore, Sir, it will be my concern, throughout this whole diſcourſe, to point out thoſe methods for the ſupport of the diſſenting intereſt, which I imagine will be moſt ſubſervient to the cauſe of practical religion, and vital holineſs in all its branches.

It was the obſervation of Dr Burnet, almoſt forty years ago, in his incomparable diſcourſe on the paſtoral care ‡, "That the diſſenters had then in a great "meaſure loſt that good character for ſtrictneſs in re-"ligion, which had gained them their credit, and "made ſuch numbers fall off to them." Whether that good character has ſince been recovered, or has not been more and more declining, ſome others are more capable of judging; but I think it calls for our ſerious reflection. And if we find, upon inquiry, that this our glory is departing, it ſurely deſerves to be

* John viii. 33. 34. † Matth. xxiii. 23. ‡ Cap. viii. p. 204.

mentioned,

mentioned, as one cauſe, at leaſt, of the decay of our intereſt; and that all who ſincerely wiſh well to it, ſhould expreſs their affection, by exerting themſelves with the utmoſt zeal, for the revival of practical religion amongſt us.

This muſt be our common care, according to the various ſtations in which Providence has placed us: and as for miniſters, nothing can be more evident, than that they, by virtue of their office, are under peculiar obligations to it. And in order to purſue it with the greater advantage, I cannot but think that it ſhould be their concern, TO STUDY THE CHARACTER AND TEMPER OF THEIR PEOPLE; that, ſo far as they can do it with conſcience and honour, they may render themſelves agreeable to them, both in their public miniſtrations, and their private converſe.

This, Sir, is ſo obvious a thought, that one would imagine it could not be overlooked or diſputed; yet it is certain our intereſt has received conſiderable damage for want of a becoming regard to it, eſpecially in thoſe who have been ſetting out in the miniſtry amongſt us. It was therefore, Sir, with great ſurpriſe, that I found you had entirely omitted it in your late Inquiry, and had dropt ſome hints, which (tho' to be ſure you did not intend it) may very probably lead young preachers into a different and contrary way of thinking; than which hardly any thing can be more prejudicial, either to them, or to the cauſe in which they are imbarked.

The paſſage of yours, to which I principally refer, is in the 33d and 34th pages of your *Inquiry*: where, amongſt other things, you obſerve, that "a great "many of thoſe things that pleaſe the people, have "often a very bad tendency in general." And you add, "the being pleaſed, which they ſo much inſiſt "upon, ſeldom ariſes from any thing but ſome odd-"neſs that hits their peculiar humour, and is not "from any view to edification at all, and therefore "too mean to be worthy any one's ſtudy. The peo-"ple do not uſually know wherein oratory, ſtrength "of ſpeech, the art of perſuaſion, &c. conſiſt; and "therefore it is vanity in ſuch to pretend to be judges

"of

" of them. I wiſh I could deny, that, amongſt us, " they generally fall into the falſeſt and loweſt taſte " imaginable."

There is, no doubt, Sir, a mixture of truth and good ſenſe in ſome of theſe remarks; but, for want of being ſufficiently guarded, they ſeem liable to the moſt fatal abuſe. I frankly confeſs, that when I began to preach, I ſhould have read ſuch a paſſage with tranſport, and ſhould very briſkly have concluded from it, (as many of us are ready enough to conclude without it), that, with regard to our public diſcourſes, we had nothing to do but to take care that our reaſoning were concluſive, our method natural, our language elegant, and our delivery decent; and after all this, if the people did not give us a favourable reception, the fault was to be charged on a perverſeneſs of humour, which they ſhould learn to ſacrifice to good ſenſe, and the taſte of thoſe who were more judicious than themſelves; and, in the mean time, were the proper object of contempt, rather than regard.

I ſay not, Sir, that what I have now been quoting from your letter, would lay a juſt foundation for ſuch a wild concluſion; but I apprehend, that a raſh young man, ignorant of the world, and full of himſelf, might probably draw ſuch a concluſion from it. And if ſuch a concluſion were to be univerſally received and acted upon, by the riſing generation of miniſters, it muſt in a few years be the deſtruction of our intereſt, unleſs the taſte of our people ſhould be miraculouſly changed.

I am not ſo abſurd and perverſe as to * *aſſert, that learning and politeneſs will be the ruin of our cauſe*, nor have I ever met with any that maintained ſo extravagant an opinion. But ſurely, Sir, a cauſe may be ruined by learned and polite men, if, with their other furniture, they have not religion and prudence too: and I hardly conceive how a miniſter, who is poſſeſſed of both theſe, can be unconcerned about the acceptance he meets with from the populace, or can ever imagine that the diſſenting intereſt is generally to be ſupported in the contempt or neglect of them.

* Inq. p. 36.

I cannot believe, Sir, that a gentleman of your good ſenſe intended to teach us ſuch a contempt. Had religion, and the ſouls of men been entirely out of the queſtion, and had you conſidered us only as perſons whoſe buſineſs it is to ſpeak in public, you well know that ſuch a thought had been directly contrary to the plaineſt principles of reaſon, and the rules of thoſe amongſt the ancients, as well as the moderns, who were the greateſt maſters in that profeſſion. You will readily allow (what no thinking man can diſpute), that a true, ſkilful, unpopular orator is a direct contradiction in terms. And I queſtion not, Sir, but that you could in a few hours throw together whole pages of quotations, from Ariſtotle, Quintilian, Longinus, and eſpecially from Tully, (not to mention Rapin, Giſbert, Fenelon, and Biſhop Burnet), which all ſpeak the ſame language. You know, that Tully in particular declares, not only "that * he deſired his "own eloquence might be approved by the people," but that his friends might accommodate their diſcourſe to them; and therefore ſays to Brutus, † "Speak to "me and to the people." And this he carries ſo far as to ſay, ‡ "that whatever the people approve, muſt "alſo be approved by the learned and judicious;" and "‖ that men of ſenſe never differed from the populace "in their judgment of oratory." And that to ſpeak in a manner not adapted to their capacity and the COMMON SENSE of mankind, is the greateſt fault an orator can commit ⸸. Theſe were the ſentiments of Tully on a ſubject peculiarly his own. And few that have ever heard of Longinus, are ſtrangers to that celebrated paſſage, in which he makes it the teſt of the true ſublime, that it ſtrikes perſons of all taſtes

* Eloquentiam autem meam POPULO probare velim. *Cic.* Orationes, quas nos multitudinis judicio probari volebamus; POPULARIS enim eſt illa facultas, et effectus eloquentiæ eſt audientium adprobatio. *Tuſc. Diſp. lib.* II. *ſub init.*

† Mihi cane et populo, mi Brute, dixerim. *Ibid.*

‡ Quod—probat multitudo, hoc idem doctis probandum eſt. *Ib.*

‖ — Nunquam fuit populo cum doctis intelligentibuſque diſſenſio.

⸸ In dicendo vitium vel maximum eſt a vulgari genere orationis atque a conſuetudine communis ſenſus abhorrere. *Cic.*

and

and educations, the meaneſt as well as the greateſt *.

But indeed (as I hinted above) the neceſſity of an orator's accommodating himſelf to the taſte of the people, depends not on the authority of the greateſt writers, but on the apparent principles of reaſon, obvious to COMMON SENSE: ſince without it the ends of his undertaking cannot poſſibly be anſwered, as the people will neither be inſtructed nor perſuaded by what he ſays.

Again, if the matter were to be conſidered merely in a *political* view, and with regard to the ſupport of our intereſt, as a ſeparate body of men, I can imagine nothing more imprudent, in preſent circumſtances at leaſt, than a neglect of the populace, (by which I mean all plain people of low education and vulgar taſte, who are ſtrangers to the refinements of learning and politeneſs). It is certain they conſtitute, at leaſt, nine parts in ten of moſt of our congregations, and are generally the ſupports of the meetings they belong to, by their ſubſcriptions, as well as their attendance. In boroughs (eſpecially) ſeveral of them have a vote for members of parliament, and are ſo numerous, as to have it in their power frequently to turn the balance, by throwing themſelves into one ſcale or the other. Now to ſpeak plainly, Sir, I apprehend it is chiefly this that makes us conſiderable to many, who have no regard at all to our religious principles. And to the bulk of mankind there is ſomething in the very idea of a large place, and a crouded auditory, which ſtrikes the thought, and ſecures a ſociety from that contempt, which might perhaps fall upon perſons of the moſt valuable characters amongſt them, if they ſtood alone as the ſupport of the intereſt, and appeared in their aſſemblies but as an handful of men.

Now, Sir, as this is the caſe, as numbers make our intereſt conſiderable, and thoſe numbers are principally to be found amongſt the common people, would you adviſe us miniſters to neglect the people; or could you wiſh that any thing you have writ, ſhould be interpret-

* Ολως δε καλα νομιζε Υψη και αληθινα τα διαπαντος αρεσκοντα ϗ πασιν. κ. τ. λ. Dion. cap. VI. ad fin.

ed

ed as an encouragement of ſuch a neglect? When we have loſt our intereſt in them, (as we muſt neceſſarily do, if we take no care to preſerve it), I would fain know what muſt become either of *us* or *them*. As for *them*, I imagine, that many of them would grow indifferent to all religion, and ſeldom appear amongſt us, or in any other places of divine worſhip; and others, of a warmer and more reſolute temper, would find out ways of making us uneaſy; and if they could not get rid of us any other way, would draw off to neighbouring congregations, or form new ſocieties, and chuſe miniſters agreeable to their own taſte, who might perhaps think it their prudence to maintain and inflame their reſentments againſt thoſe they had left. Thus our common intereſt as diſſenters would moulder and crumble away, by our frequent diviſions and animoſities. And *we*, who, by our contempt of the people, had been the occaſion of them, ſhall have the great pleaſure of being entertained with the echo of our own voices, and the delicacy of our diſcourſes, in empty places, or amidſt a little circle of friends, till perhaps (like ſome of our brethren) we are ſtarved into a good opinion of conformity; and, in the mean time, ſhall have the public honour of ruining the cauſe we undertook to ſupport. For the generality of people, who never reaſon accurately, will readily conclude it was ruined by us, if it ſink under our care: though you, Sir, will be ſo complaiſant as to own, it fell by the obſtinacy and perverſeneſs of a people, "*whoſe humour was too* "*mean to be worthy any one's ſtudy* *."

But perhaps, Sir, you will tell me, that we need not be apprehenſive of being driven to ſuch extremities; for though ſome of the loweſt of our auditors are loſt, we ſhall gain over others to fill up their places, in a manner much more agreeable to ourſelves, and more honourable to our cauſe in the eyes of the world. "*Many* "*gentlemen have left us, becauſe they were aſhamed of* "*our intereſt, and nothing can recover them but the* "*ſtudy of learning and politeneſs* †." I aſſure you, Sir, I am an enemy to neither; but heartily wiſh they may both be cultivated, ſo far as is conſiſtent with our

* Inq. p. 34. † Inq. p. 32.

being acceptable to the people, (and I apprehend, as you will afterwards perceive, they are both in a very high degree conſiſtent with it). But I imagine it will never be worth our while, to neglect and diſpleaſe the people, in order to bring over theſe gentlemen, or to make other proſelytes of their rank, character, and taſte.

I ſhall, perhaps, ſurpriſe you when I ſay, that I am not much charmed with your propoſal, allowing it ever ſo practicable, and the proſpect of ſucceſs ever ſo fair. You ſuppoſe the gentlemen whom you deſcribe, have not left us upon principles of conſcience, on apprehenſion of our being ſchiſmatics, &c. (for then no alteration in the manner of our preaching could bring them back), but merely from a delicacy of taſte, and becauſe they were aſhamed to continue amongſt ſo unpoliſhed a people. You muſt then ſuppoſe, either that they acted in direct oppoſition to the dictates of conſcience, or elſe, that they did not conſult them at all in the affair, nor regarded any thing more than faſhion or amuſement in the choice of the religious aſſemblies with which they have joined. The former ſuppoſition charges them with an outrageous contempt both of truth and of honour; and the latter, with a ſhameful mixture of pride and weakneſs, which has little of the gentleman, and leſs of the Chriſtian. And I freely declare, that I think an honeſt mechanic, or day-labourer, who attends the meeting from a religious principle, though perhaps it may expoſe him to ſome ridicule amongſt his neighbours, and be in ſome meaſure detrimental to his temporal affairs, (which is often the caſe), is a much more honourable and generous creature, and deſerves much greater reſpect from a Chriſtian miniſter, than ſuch a gentleman, with all his eſtate, learning, and politeneſs.

In the ſight of God, you will readily allow, that it is ſo; but perhaps, Sir, you will tell me, that I am now conſidering the matter in a political view. It is time to recollect it, and I aſk your pardon for this digreſſion.

I ſhall therefore ſpeak more directly to the point, when I anſwer, with all due ſubmiſſion, that I apprehend

hend this ſcheme of bringing back theſe gentlemen to our aſſemblies, is but wild and chimerical.

If their conformity entirely depended on the delicacy of their taſte, we could never expect to recover them, till we could entertain them with more polite and elegant diſcourſes, than thoſe which they hear in the churches they now frequent. Now, Sir, whatever your complaiſance may ſuggeſt in our favour, I have not the vanity to believe, that if we and the eſtabliſhed clergy were to try our ſkill in the conteſt, we ſhould generally exceed them. At leaſt, I ſee no ſuch certain evidence of our being ſuperior to them here, as ſhould encourage us to riſk the whole of our cauſe upon this attempt; as I imagine we ſhould do, if we were to neglect the people.

And farther, I think there is the leſs reaſon for making ſo dangerous an experiment, as it is very apparent to me, that thoſe who have left us, have not been influenced merely by ſuch a critical exactneſs as you ſuppoſe. I know not any among them of a more judicious and refined taſte, than ſome who ſtill continue the ornaments and ſupports of our aſſemblies: and it is undeniably evident, that many who have quitted us, have acted on very different principles. Some have been influenced by ſecular views, (in which they have not always been diſappointed), and ſome by complaiſance to their friends, and particularly thoſe who have married into families of a different perſuaſion, (which has been a very fatal blow to our intereſt). Many more, I fear, have forſaken us from a ſecret diſlike to ſtrict piety, and with us have abandoned all appearances of religion, and perhaps of common decency and morality. And I queſtion not, Sir, but you very well know, that many others who have broken off from us, and perhaps make the greateſt pretences to ſtrength of thought, and politeneſs of taſte, are ſunk as low as Deiſm itſelf, (if not yet lower), and may probably enough reckon it matter of boaſting, that having thrown off one fetter, they have had greater advantage for throwing off the other; *i. e.* the faith of the Chriſtian, after the ſtrictneſs of the Diſſenter.

And are theſe, Sir, the perſons who are to be brought

back by our learning and addreſs? Some of them may, perhaps now and then, make an occaſional viſit to our aſſemblies for their own amuſement, as they frequent the theatre; but ſurely they can never be depended upon as the ſupport of an intereſt: nor could you, on the whole, think it prudent for us to hazard the approbation and affection of our people, in a view of making ourſelves agreeable to them.

But *religion* furniſhes us with many conſiderations to the preſent purpoſe, of much greater importance than any which could ariſe merely from prudential views. Surely there is a dignity and a glory in every rational and immortal ſoul, which muſt recommend it to the regard of the wiſe and the good, though it may be deſtitute of the ornaments of education, or ſplendid circumſtances in life. Let us think of it in its loweſt ebb of fortune, or even of character, as ſtill the offſpring and image of the great Father of ſpirits, and as the purchaſe of redeeming blood: let us conſider what an influence its temper and conduct may have at leaſt on the happineſs of ſome little circle of human creatures, with whom Providence has linked it in kindred, in friendſhip, or in intereſt; and eſpecially, let us conſider what it may become in the gradual brightenings and improvements of the eternal ſtate: let us but ſeriouſly dwell on ſuch reflections as theſe, (too obvious to be miſſed, yet too important to be forgot), and we ſhall find a thouſand arguments concurring to inſpire us with a ſort of paternal tenderneſs for the ſouls of the meaneſt of our people. This will teach us to bear with their prejudices, to accommodate ourſelves to their weakneſs; and to conſider it as a mixture of impiety and cruelty, to neglect numbers of them, out of complaiſance to the taſte of a few, who are perhaps ſome of them but occaſional viſitants, and whom we judge by their habits, rather than by any perſonal acquaintance, to be a part of the polite world.

Did I affect to throw together all that might be ſaid on this ſubject, I might both illuſtrate and confirm what I have already written, by ſhewing at large, that Chriſtianity is a religion originally calculated for the

the plainer part of mankind, by that God who * *has chosen the foolish things of the world to confound the wise, and the weak things of the world to confound the things which are mighty*; and consequently that a neglect and contempt of the common people, is far from being the spirit of the gospel. I might add many remarks to this purpose on the preaching and conduct of St Paul, and fill whole pages with quotations from him and the rest of the apostles, and many more from some of the most ancient and celebrated fathers of the church. But I do not think it necessary for the support of my argument; and I am persuaded, that you, Sir, in particular, have no need of being taught these things from me.

Permit me only to add, (what you must frequently have observed), that our *Lord Jesus Christ* is a most amiable and wonderful example of a plain, familiar, and popular preacher. When we come to peruse those divine discourses, which extorted a confession from his very enemies, that he spake as never man spake, we find neither a long train of abstract reasonings, nor a succession of laboured periods, adorned with an artificial exactness; but the most solid and important sense, delivered in an easy and natural way, illustrated by similes taken from the most common objects in life, and enforced with lively figures, and the strongest energy of expression; which is well consistent with all the former. So that, upon the whole, it was most happily calculated, at once to instruct the most ignorant, and to awaken the most negligent hearer. I cannot but wish, that some judicious writer would attempt to set this part of our Lord's character in a clearer and a more particular light; and would shew us how the whole of his conduct, as well as the manner of his address, was calculated to promote his usefulness under the character of a preacher of righteousness. I hope such an essay might be very serviceable to those of us, who have the honour to succeed him in that part of his work; and I persuade myself, that it would furnish us with a variety of beautiful remarks on many passages in the evangelical hi-

* 1 Cor. i. 27.

ſtorians, which are not to be found in the moſt celebrated commentators.

You will excuſe me, Sir, for having inſiſted ſo largely on the neceſſity of endeavouring to render ourſelves agreeable to our people; becauſe I am fully perſuaded, that it is of great importance to the ſupport and revival of the diſſenting intereſt. I hope you already apprehend that I intend nothing in this advice, which is below the purſuit of the moſt elevated genius, or the moſt generous temper; nothing inconſiſtent with the politeneſs of the gentleman and the ſcholar, or the dignity of the Chriſtian and the miniſter. You cannot imagine that I would recommend a popularity raiſed by quirks and jingles, or founded on affected tones, or ridiculous grimaces; and much leſs on an attempt to inflame the paſſions of mankind about trifling controverſies, and the peculiar unſcriptural phraſes of a party. Such a popularity as this, is almoſt the only thing that is more deſpicable, than the inſolent pride of deſpiſing the people.

If any of my younger brethren were to inquire how another popularity, of a far more honourable kind, is to be purſued and ſecured; I anſwer, that their own converſe and obſervation on the world, muſt furniſh them with the moſt valuable inſtructions on this head. And though ſome of their particular remarks may differ, according to the various places and circumſtances in which they are made; yet I apprehend there are many things of conſiderable importance, in which they will all agree. As for inſtance:

They will quickly ſee that the generality of the diſſenters, who appear to be perſons of ſerious piety, have been deeply impreſſed with the peculiarities of the goſpel-ſcheme. They have felt the divine energy of thoſe important doctrines, to awaken, and revive, and enlarge the ſoul; and therefore they will have a peculiar reliſh for diſcourſes upon them. So that if a man ſhould generally confine himſelf to ſubjects of natural religion, and moral virtue, and ſeldom fix on the doctrines of Chriſt, and the Spirit, and then perhaps treat them with ſuch caution, that he might ſeem rather to be making conceſſions to an adverſary, than giving

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vent to the fulneſs of his heart on its darling ſubject, he would ſoon find, that all the penetration and eloquence of an angel, could not make him univerſally agreeable to our aſſemblies.

Many of our people have paſſed through a variety of exerciſes in their minds, relating to the great concern of eternal ſalvation. And they apprehend, that the ſcripture teaches us to aſcribe this combat to the agency of Satan, and the corruptions of our own heart, on the one hand, and the operations of the Holy Spirit of God on the other. It is therefore very agreeable to them, to hear theſe experimental ſubjects handled with ſeriouſneſs and tenderneſs. It raiſes their veneration for ſuch a miniſter, as for one who has himſelf taſted of the grace of God, and encourages their confidence in him, and their expectations of improving by his labours. On the other hand, it grieves them when theſe ſubjects are much neglected, and gives them the moſt formidable ſuſpicions, if one word be dropt which ſeems to pour contempt upon them, as if they were all fancy and enthuſiaſm; (with which, it muſt be granted, they are ſometimes mixed.)

The greater part of moſt diſſenting congregations conſiſting (as we before obſerved) of plain people, who have not enjoyed the advantages of a learned education, nor had leiſure for improvements by after-ſtudy, it is apparently neceſſary that a man ſhould ſpeak *plainly* to them, if he deſire they ſhould underſtand and approve what he ſays. And as for thoſe that are truly religious, they attend on public worſhip, not that they may be amuſed with a form or a ſound, nor entertained with ſome new and curious ſpeculation; but that their hearts may be enlarged as in the preſence of God, that they may be powerfully affected with thoſe great things of religion, which they already know and believe, that ſo their conduct may be ſuitably influenced by them. And to this purpoſe they deſire, that their miniſters may ſpeak as if they were in earneſt, in a *lively* and *pathetic*, as well as a clear and intelligible manner.

Such is the taſte of the generality of the diſſenters; a taſte which I apprehend they will ſtill retain, whatever attempts may be made to alter it. And I muſt take

take the liberty to ſay, that I conceive this turn of thought in the people to be the great ſupport of our intereſt; and not the little ſcruples which you hint at in the 34th page of your letter, nor even thoſe rational and generous principles of liberty, which you ſo clearly propoſe, and ſo ſtrenuouſly aſſert. And I cannot but believe, that if the eſtabliſhed clergy, and the diſſenting miniſters in general, were mutually to exchange their ſtrain of preaching, and their manner of living but for one year, it would be the ruin of our cauſe, even though there ſhould be no alteration in the conſtitution and diſcipline of the church of England. However you might fare at London, or in ſome very ſingular caſes elſewhere, I can hardly imagine that there would be diſſenters enough left in ſome conſiderable counties, to fill one of our largeſt meeting-places.

We have then advanced thus far; that he who would be generally agreeable to diſſenters, muſt be an evangelical, an experimental, a plain, and an affectionate preacher. Now I muſt do our common people the juſtice to own, that when theſe points are ſecured, they are not very delicate in their demands, with regard to the forms of a diſcourſe. They will not in ſuch a caſe be very much diſguſted, though there be no regular chain of reaſoning, no remarkable propriety of thought or of expreſſion, no elegance of language, and but little decency of addreſs. The want of all theſe is forgiven, to what they apprehend of much greater importance. Yet, Sir, I would not from hence infer, that theſe things are to be neglected; on the contrary, I apprehend it is abſolutely neceſſary, that they ſhould be diligently attended to, in order to obtain that univerſal popularity, which I think ſo deſirable for the ſake of more extenſive uſefulneſs. A man of a good taſte will certainly take ſome care about them. 'Tis what he owes to himſelf, and to the politer part of his audience, whom he will never be willing to loſe in the croud: and he need not fear that a prudent regard to them, will ſpoil his acceptance with the people. Few of them like a diſcourſe the worſe for being thoroughly good; and the accompliſhed orator will find, perhaps to his ſurpriſe, that they will not only know and feel the important

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truths of religion, in the moſt agreeable dreſs he can give them, but that they will even applaud the order and regularity of his compoſures, the beauty of his language, and the gracefulneſs of his delivery, at the ſame time, that they have the candour not to complain of the indigeſted rovings, the unnatural tranſports, and the awkard diſtortions of the pious well-meaning, but injudicious preacher. For human nature is ſo formed, that ſome manners of thinking and ſpeaking are univerſally agreeable and delightful. 'Tis the perfection of eloquence to be maſter of theſe, and ſhould, I think, be the care of every one that ſpeaks in public, to purſue them as far as genius and opportunity will allow *.

The man who forms himſelf upon ſuch views as theſe, if he be not remarkably deficient in natural capacities, will probably be popular amongſt the diſſenters *as a preacher:* but a thinking man will eaſily perceive this is not the only character under which a miniſter is conſidered. His people will naturally and reaſonably expect a *conduct* anſwerable to his public diſcourſes; and without it, he cannot be thoroughly agreeable to them. They will take it for granted, that a man ſo well acquainted with divine truths, and one that ſeems to be ſo deeply affected with them, ſhould be regular and exemplary in the whole of his behaviour, and free from the taint of vice, or of folly, in any remarkable degree. They will expect that he ſhould be far from being a ſlave to ſecular intereſt, or to the little trifles of food, dreſs, or domeſtic accommodation; and that he ſhould avoid every thing haughty and overbearing, or peeviſh and fretful in his daily converſe. They will conclude, that a deſire of doing good to ſouls, will make him eaſy of acceſs to thoſe who apply to him for advice, with regard to their ſpiritual concernments; and that it will likewiſe diſpoſe him at proper times to viſit all the people of his charge, the poor as well as the rich; and that not only under the character of a friend, but of a miniſter, in a direct view to their ſpiritual edification.

* This is that regard to the SENSUS COMMUNIS, which Tully thinks ſo neceſſary.

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And if a man desire the affections of his people, he must not disappoint such expectations as these.

The tenderness with which parents interest themselves in the concerns of their children, and the earnest desire that all religious parents must necessarily have, that theirs may be *a seed to serve the Lord*, will engage them very kindly to accept our care, in attempting to bring them under early impressions of serious piety. Catechising has therefore been generally found a very popular, as well as a very useful practice. And here I think it is much to be wished, that our labour may extend to the youth, as well as to little children; that in a familiar way they may be methodically acquainted with the principles of natural religion, and then with the evidences of the truth of Christianity, and with the nature of it, as it is exhibited in the New Testament, both with regard to the privileges and the duties of Christians. As this might be a means of filling our churches with a considerable number of rational, catholic, and pious communicants, from whom considerable usefulness might in time be expected; so it would greatly oblige their religious parents, and lay a foundation for a growing friendship between us and our catechumens, in the advance of life.

I once thought to have insisted more largely on these hints; but am happily prevented by the publication of Mr Some's sermon, on the methods to be taken by ministers for the revival of religion. He has fully spoken my sentiments, with regard to many of those articles on which I have only glanced. I persuade myself, Sir, you will read it with a great deal of pleasure; for (so far as I can judge) this sermon is almost as agreeable an example of that preaching, as his life is of that conduct, which he recommends. I am confident, that a man of your good sense must necessarily approve the scheme which I have briefly laid down, and which is there largely considered and recommended. Were you to chuse a pastor for yourself, I doubt not but you would rejoice in such a one; and you would probably have the hearty concurrence of the weakest and most illiterate of your pious neighbours. My younger brethren (for whom alone I am now presuming to write)

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can have no reaſon to complain, that I have aſſigned them either a mean or a ſevere taſk. I heartily deſire to be their companion in all the moſt laborious and ſelf-denying parts of it; and I perſuade myſelf, that we ſhall find it, on the whole, as delightful as honourable, and as advantageous to ourſelves, as it will be ſerviceable to the public intereſt.

There ſeems to be but one material objection againſt all this; and it is an objection, in which, I doubt not, but your own thoughts have already prevented me. It may perhaps be pleaded, that we have a ſort of people amongſt us, whoſe approbation and eſteem cannot be obtained by ſuch honourable methods as I propoſed. For they, whom we call the *rigidly orthodox*, are ſo devoted to a peculiar ſet of human phraſes, which have been introduced into the explication of ſome important doctrines, that they will hardly entertain a favourable thought of any who ſcruple the uſe of them, or who do not ſeem to value them as highly as they, though they may, on all other accounts, be ever ſo conſiderable.

You, Sir, hint at * a very expeditious remedy for uneaſineſs ariſing from this quarter; that perſons of generous and bigotted ſentiments, ſhould meet in different places. In London it is certainly practicable, and may perhaps be moſt expedient; but to attempt any ſuch ſeparation in the country, would be the utter ruin of many of our ſocieties, which now make ſome conſiderable appearance. But beſides my regard to the miniſters and ſocieties to which they are related, I muſt confeſs, I have too much tenderneſs for the perſons themſelves, to be willing entirely to give them up. I have been intimately acquainted with thoſe who have been accuſed, and perhaps not unjuſtly, of this unhappy attachment to human phraſes, and nicety in controverſial points; and I muſt do many of them the juſtice to own, that I have found very excellent qualities mingled with this exceſs of zeal, (which muſt methinks appear pardonable in them, when we conſider how artificially it has been infuſed; and how innocently they have received and retained it, from a real principle of

* p. 44.

conſcience

conſcience to God). But, indulging them in this one article, ſeveral of them will appear to be perſons of ſo much humility and piety, of ſo much integrity and generoſity, of ſo much activity and zeal for the common intereſt, that, ſeparate from all views to private advantage or reputation, one would heartily wiſh to do all he honeſtly can, to remove thoſe prejudices, which give them ſo much uneaſineſs, and impair the luſtre of ſo many virtues and graces. And if at the ſame time we can ſecure their eſteem and friendſhip, it may have ſuch an influence, both on our own comfort and uſefulneſs in life, that it muſt be great ignorance or pride to deſpiſe it.

You will readily grant, Sir, that the thing is in itſelf deſirable: The great queſtion is, how it may be effected? And here I will venture to ſay freely, that I apprehend bigotry of all kinds, to be a fortreſs, which may be attacked by ſap more ſucceſsfully than by ſtorm. It is evident, that we have moſt of us ſomething of the humour of children, that graſp a thing ſo much the more eagerly, when an attempt is made to wreſt it out of their hands by violence; and yet perhaps will drop it themſelves in a few minutes, if you can but divert their attention to ſomething elſe.

From ſuch a view of things, I apprehend, we are to judge of the moſt proper methods of dealing with thoſe, whoſe caſe is now under conſideration. You, Sir, may tell them again and again, with your natural coolneſs and moderation, * *that it would be an inſtance of their modeſty to reſign their pleaſures to the general notions and judgment*;—*that inſtead of aſſuming the characters of judges and cenſors, they ſhould put on the humble temper of learners,—and receive the truth without being jealous of hereſy in our younger preachers.* — And at the ſame time, that you are thus giving your advice, you may give your reaſons, as clearly and handſomely, as you have given them for nonconformity in this Inquiry; yet after all, you will probably find, that the *civium ardor* PRAVA JUBENTIUM will out-noiſe the voice of the charmer, charming ever ſo wiſely. And ſhould I exert myſelf with greater warmth and eager-

* Inquiry, p. 34. 37.

neſs,

neſs, ſhould I grow a bigot in the defence of catholiciſm, and load thoſe of different ſentiments with reproaches, becauſe they have profited no better by ſo many ſolid arguments; I ſhould indeed pay a very great compliment to them, in ſuppoſing them capable of knowing, and admitting truth, under ſo diſagreeable a diſguiſe; but it would be at the expence of my own character and eaſe, and I ſhould run the riſk of being ſeverely ſcorched by that flame, which I pretended to extinguiſh, by pouring on oil.

I cannot but think it much more adviſeable, according to the apoſtle's maxim of *becoming all things to all men*, to ſtudy to accommodate ourſelves in this reſpect, as well as in others, to the infirmities of our hearers, as far as with a ſafe conſcience we may. If we can put a tolerably good ſenſe on any of their favourite phraſes, it would ſurely be a moſt unreaſonable ſtiffneſs and perverſeneſs of temper, to avoid it merely becauſe they admire it. Or if we cannot go ſo far, we may at leaſt lay aſide any darling phraſes of our own, which we know will be offenſive to them. (For if the Bible be a complete rule, *our* human forms are no more neceſſary than *theirs*.) Chriſtians as ſuch profeſs a reverence for the ſcripture, and many of theſe Chriſtians have a diſtinguiſhing regard to it, as they have felt its divine energy on their ſouls. Now, Sir, with ſubmiſſion to the better judgment of my brethren, I think we, who are miniſters, ſhould take them by the handle, and ſhould labour to diſcover to them, more and more, the beauty and fulneſs of the word of God, not only with regard to this or that particular doctrine, but to the whole ſyſtem of truth and duty contained in it. 'Tis a ſubject on which we might ſpeak, and they would hear with pleaſure; and it would not only divert their attention, and their zeal from other things, which might give uneaſineſs, but would have a direct tendency to enlarge their views, and ſweeten their tempers, beyond all our encomiums on liberty and catholiciſm, or our ſatires on bigotry and impoſition.

I likewiſe apprehend, that a regard to what was ſaid under the former heads, will farther conduce to this happy end. When theſe exact people hear us preach-

ing in a truly ſpiritual and experimental ſtrain, and at the ſame time in ſuch a rational and graceful manner, as may ſet our diſcourſes above contempt, and make them agreeable to the younger and politer part of our auditory, as well as to others; they will quickly ſee that it is not for their own intereſt, or that of their children, to drive us away with a rigorous ſeverity. And therefore, inſtead of ſtudying to find us heretics, they will rather put the moſt favourable ſenſe on ambiguous expreſſions, and labour to believe us as orthodox as they can. Or, if they ſuſpect us to be in the dark as to ſome particulars, yet they will charitably hope, that age and experience will perfect what is wanting; and that *God will reveal it to us* in his own time. With theſe views they will chearfully commit themſelves to our miniſterial care, if Providence ſeems to open a way for our ſettlement amongſt them. And when they find, that they are handſomely treated by us, that no direct attack is made upon their darling notions; but that the great concerns of practical religion (as dear to them as to any people upon earth) are plainly and faithfully purſued by us, both in public and private, (to the refreſhment of their own ſouls, and to the evident advantage of many others), they will contract a tender, growing affection for us: and thus their bigotry will gradually wear away, till perhaps they come at laſt joyfully to embrace thoſe more generous notions, from which they would at firſt have ſtarted back with horor.

Thus we may, after the example of our great Maſter, teach our followers, as they are able to bear it; and, by this moderation, may be inſtrumental in healing the breaches which we profeſs to lament, in reſcuing many an excellent ſoul from a painful and diſhonourable bondage; and in ſpreading a generous, candid, Chriſtian ſpirit, which will be the glory and happineſs of our intereſt in general, as well as of the particular ſocieties under our care. And in the mean time another generation will be riſing, whom we may hope to form, in a manner agreeable to our own ſentiments, who may tranſmit to remote ages, thoſe united principles of pie-

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ty and catholicism, which they have happily learned from us.

I cannot but think, that such rational and noble prospects may encourage us to submit to some restraints, which we should not otherwise have chose. But if, after all, we inflexibly insist on "* *as unbounded a liberty of speaking our sentiments in public, as of forming them in private,*" or, in the language of Solomon, *of uttering all our mind*, I think we shall dearly purchase the pleasure of hearing ourselves talk, on a subject on which we can do little more, than echo back a part of what has been so copiously and judiciously written, and so frequently repeated by others. The wiser part of mankind will look upon us as forward heirs, who spend our estate of reputation and importance in life, before we come to it; and, upon the whole, we shall not only exceedingly injure ourselves in private life, which is comparatively but a trifle, but shall impair our future usefulness, and even wound the darling cause of liberty, to which we are so ready to sacrifice all. For I seriously declare, that if I could be so wicked as to form a design against it, and so base as to prosecute it by clandestine and hypocritical methods, I would only set myself to declaim in its favour, with imprudent zeal, and unbounded fury.

You have now, Sir, all that I think it proper to say, at present, concerning the methods by which I apprehend those of us, who are employed in the ministry, may most effectually contribute to the revival of the dissenting interest. I can assure you, they are not the reveries of my own closet, but observations which I have drawn from life, as occasions have occurred in conversing with a variety of persons, of different stations, relishes, and characters. I have the better opinion of many of them, as I know that they are thoroughly agreeable to the sentiments and conduct of some of the most considerable persons of all denominations amongst us, both in town and country; whose friendship is the honour and pleasure of my life. I am particularly

* P. 37.

confirmed in this way of thinking, by obſerving the ſucceſs which ſuch meaſures have had in the congregations of my fathers and brethren in theſe parts. For I know, that, in many of them, the number of diſſenters is greatly increaſed within theſe twenty years; and the intereſt continues ſo to flouriſh, that I am confident ſome of our honeſt people, who converſe only in their own neighbourhood, will be ſurpriſed to hear of *an inquiry into the cauſes of its decay*.

If what I have writ appear reaſonable to you, Sir, I cannot but wiſh that you, and other gentlemen of the laity, who are heartily concerned for our intereſt, would endeavour to cultivate ſuch ſentiments as theſe in the minds of young miniſters of your acquaintance. We are naturally very deſirous of being known to you, and ſingled out as the object of your regard. Whereas we early begin to look with a comparative contempt upon the meaner ſort of people, as an ignoble herd.—*Fruges conſumere nati.*—Whilſt engaged in our preparatory ſtudies, we are indeed ſo generous, as to give up one another to the vulgar; but we have each of us the penetration to diſcover, that there is ſomething uncommon in our dear ſelves, by which nature ſeems to have intended us to be (as we abſurdly enough expreſs it) orators for the polite. Theſe arrogant and pernicious ſentiments we ſometimes carry along with us, from the academy to the pulpit; where, perhaps, we make our firſt appearance infinitely ſolicitous about every trifling circumſtance of a diſcourſe, yet negligent of that which ſhould be the ſoul of it. And if the people are not as much charmed with it as ourſelves, we have then an evident demonſtration of their incorrigible ſtupidity; and ſo reſentment concurs with pride and ambition, to ſet us at the remoteſt diſtance from thoſe, who ought to be the objects of our tendereſt regards.

If an elder miniſter have ſo much compaſſion and generoſity, as to deal freely with us upon theſe heads, and give us ſuch advice as circumſtances require, 'tis great odds but we find ſome excuſe for neglecting what he ſays, — "He is ignorant and unpolite; or perhaps "intoxicated with his own popularity, and means his "counſels to us as encomiums upon himſelf." — Or if neither

neither of theſe will do, ſome other artifice muſt be found out, to fix the blame any where rather than at home. And if, in the midſt of a thouſand mortifications, we can but find out one gentleman of fortune, ſenſe, and learning, that admires us, we are happy. A ſingle diamond is worth more than a whole load of pebbles; and we perhaps adopt, with vaſt ſatisfaction, the celebrated words of *Arbuſcula* in *Horace* *,

Men' moveat cimex Pantilius? &c.

without conſidering that what was highly proper in the mouth of a player, and a poet, would be extremely abſurd in a Heathen, and much more in a Chriſtian orator.

Now, Sir, what I intend by all this, is to ſhew that you gentlemen may have it in your power to do a great deal to correct theſe miſtaken notions. If we plainly ſee that you regard us, not merely according to the manner in which our performances are accommodated to your own private taſte, but according to our deſire and capacity of being uſeful to the public intereſt, we ſhall perhaps be taught to place our point of honour right; and when that is once done, a moderate degree of genius, application, and prudence, may be ſufficient, by the bleſſing of God, to ſecure the reſt.

I would here, Sir, have ended my letter, but the hints you give in the concluſion of yours concerning *academical education*, lead me to add a few words on that head. I would be far from the inſolence of pretending to teach tutors; but I apprehend, that, if my former principles be allowed, it will follow, by the eaſieſt conſequence in the world, that it is a very important part of their buſineſs, to form their pupils to a regard for the people, and to a manner of preaching, and of converſe, which may be agreeable to them.

There is hardly any thing which ſhould be more diſcouraged in a young ſtudent, than ſuch a miſtaken haughty way of thinking, as I ſo freely deſcribed a little above, eſpecially when it diſcovers itſelf in a petulant inclination to employ their talent at ſatire, in ridiculing the infir-

* Hor. lib. I. ſat. x. v. 78. &c.

nities of plain ſerious Chriſtians, or the labours of thoſe miniſters, who are willing to condeſcend to the meaneſt capacities, that they may be wiſe to win ſouls.

A young man of ſenſe will eaſily enter into ſuch plain reaſonings as I have offered in the beginning of this letter, and be convinced by them, that if he ever appear under the character of a diſſenting miniſter, he muſt not neglect the people. But it is greatly to be deſired, that our ſtudents may be engaged to regard them, not merely from political, but religious views.

It is therefore, no doubt, the care of every pious tutor amongſt us, (and may God make it a more conſtant and ſucceſsful care), to poſſeſs his pupils, who are deſigned for the miniſtry, with a deep and early ſenſe of the importance of the goſpel-ſcheme, for the recovery of man from the ruins of the apoſtaſy, and his reſtoration to God and happineſs by a Mediator :— To ſhew (as it may eaſily be ſhewn) that this has been the great end of the divine counſels, with regard to which, the harmony of nature in the lower world has been ſupported, and the various œconomies of providence diſpoſed : — To point out the Son of God deſcending from heaven in favour of this deſign, purſuing it by humble condeſcenſions for the loweſt of the people, and unwearied labours amongſt them ; and, at laſt, eſtabliſhing it by agonies and death :—To ſhew them the apoſtles taking up their Maſter's cauſe, proſecuting it with unwearied vigour and reſolution, and ſacrificing to it their eaſe, their reputation, their liberty, and their lives : — To trace out thoſe generous emotions of ſoul, which ſtill live and breathe in their immortal writings :— And then (when their minds are warmed with ſuch a ſurvey) to apply to the ſtudents themſelves, as perſons deſigned by Providence, to engage in the ſame work, to ſupport and carry on the ſame intereſt, who therefore muſt be acted by the ſame views, and imbibe the ſame ſpirit.

Something of this kind is, I doubt not, attended to ; and I muſt take the liberty to ſay, that I think theſe the moſt important lectures a tutor can read. You cannot but ſee, Sir, that, by the bleſſing of God, ſuch addreſſes muſt have an apparent tendency to fill the mind with ſublime and elevated views, and to make a man

feel, and own too, (though it may appear ſomething unpolite), that the ſalvation of one ſoul is of infinitely greater importance, than charming a thouſand ſplendid aſſemblies, with the moſt elegant diſcourſes that were ever delivered. A young miniſter under theſe impreſſions, will come out to his public work *naturally diſpoſed to care for the ſtate of his people*; and ſuch ſincere zeal and tenderneſs will form him to a popular addreſs, abundantly ſooner, and more happily, than the moſt judicious rules which it is poſſible to dictate.

As examples are the beſt illuſtration of precepts, it muſt certainly be a great advantage to pupils to hear ſuch preaching, and ſee ſuch paſtoral care, as is recommended to them in the lecture-room. A prudent man, who is concerned in the education of young miniſters, will be particularly careful to avoid thoſe faults in preaching, which they are in the greateſt danger of falling into; and particularly too abſtracted a train of reaſoning, and too great a care about the little ornaments of ſpeech, when addreſſing to a common auditory. And if (where other circumſtances may allow it) he ſometimes engage the attendance of ſenior pupils in his paſtoral viſits, and introduce them to the acquaintance and freedom of ſome ſerious Chriſtians in the ſociety, it may be much for their improvement. A more intimate knowledge of their hidden worth, and perhaps of thoſe noble traces of natural genius, which they might diſcover amongſt ſome of a very low education, would ſomething increaſe their eſteem for the populace in general. And from their obſervations on books and ſermons, and their accounts of the various exerciſes of their minds, (where our politer hearers are generally more reſerved), a man may beſt learn how they are to be addreſſed, and form himſelf to that experimental ſtrain, on which ſo much of his acceptance and uſefulneſs amongſt us will depend.

If you apprehend, Sir, that ſuch a courſe will make them preachers for the vulgar, *and for them only*; I think it ſufficient to anſwer, that I entirely agree with you in what you ſay of the great advantages of an intimate acquaintance with the learned languages, and the claſſical writers both of the Romans and Greeks. I

heartily

heartily wiſh our ſtudents may always be well furniſhed with it before they leave the ſchools, and think it highly proper it ſhould be carried on through the whole of their academical courſe. And I cannot imagine, that a man of tolerable ſenſe, who is every day converſing with ſome of the fineſt writers of antiquity, and who is (as moſt of our ſtudents are) a little exerciſed in the mathematical ſciences, (to teach him attention of thought, and ſtrength and perſpicuity of reaſoning), will be in great danger of ſaying any thing remarkably impertinent, or contemptibly low.

As for being maſters of our own language, 'tis a point which I think ſhould be thoroughly laboured from the very beginning of their education. They ſhould, to be ſure, make themſelves familiarly acquainted with thoſe writers, which are allowed to be the ſtandards of it, and ſhould frequently be tranſlating and compoſing. And if this be not only practiſed at ſchool, but continued through four or five years of academical education, they will have formed a habit of expreſſing themſelves gracefully, or at leaſt tolerably well: ſo that in their ordinary compoſures, when they have digeſted their materials, and ranged their thoughts, they will often find proper, expreſſive, and elegant words, flowing in faſter than they can write them.

And as compoſition is far from being the only buſineſs of an orator; ſo I heartily wiſh, that not only tutors, but ſchoolmaſters (whoſe character and conduct, by the way, is of vaſt importance to our intereſt) would make a very ſerious buſineſs of teaching lads, who are deſigned for the miniſtry, to read well, and to pronounce properly and handſomely. Thus an early remedy would be provided, on the one hand, againſt thoſe unnatural tones and geſtures, which (as you well obſerve) * *are a grand cauſe of our reproach and contempt*; and on the other, againſt that cold inſenſible air, which ſometimes, amongſt ſtrangers at leaſt, affects even the moral character of the preacher.

I think ſome care ſhould be taken, both at the ſchool and the academy, to engage ſtudents to a genteel and

* Inq. p. 43.

complaiſant

complaiſant behaviour, not only as what is apparently conducive to their mutual eaſe and pleaſure, and the convenience of the family where they are; but as what may render them more agreeable and uſeful in life, to perſons of ſuperior rank, and even to the populace themſelves. For a well-bred man knows how to condeſcend, in the moſt obliging way; and the common people (ſuch is either their good ſenſe or their humour) are peculiarly pleaſed with the viſits and converſe of thoſe, who they know may be welcome to greater company.

And now, Sir, I have done with my ſubject; and muſt conclude, with aſſuring you, that it is not the deſign of one line which I have writ, merely to prove, that you are miſtaken in any thing that you have aſſerted; and therefore I have purpoſely avoided many citations from your letter, which might eaſily have been connected with what I have ſaid. You will infer from what you have read, that I differ from you in ſome other particulars, which are not mentioned, but they apparently depend on what I have debated at large; and I choſe to omit them, not only becauſe my letter is already longer than I intended, but from a general obſervation, which I have had frequent occaſion to make; that if a man deſires to do good by what he ſays, he muſt oppoſe and contradict as little as poſſible. If I am miſtaken in what I have advanced, I ſhall be heartily thankful for better information; and, if it come from you, it will be peculiarly agreeable, as I ſhall have nothing to fear from your reproaches, and much to hope from your arguments.

I am,

SIR,

Your moſt humble ſervant.

FINIS.

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